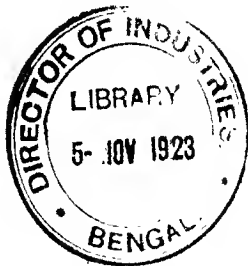


INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY
SUBMITTED TO CONGRESS BY THE
COMMISSION ON INDUSTRIAL RELATIONS

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CLOAK, SUIT, AND WAIST INDUSTRY.

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, January 15, 1914.

Met pursuant to notice at 10 a. m.

Present: Hon. John B. Lennon (chairman), Mrs. J. Borden Harriman, Mr. S. Thruston Ballard, James O'Connell, commissioners.

The CHAIRMAN. Gentlemen, the Commission on Industrial Relations recently created by act of Congress, on appointment of the President, was organized but a short time since. We are authorized under the law to investigate as to the underlying causes of industrial unrest, and to report them to the Congress of the United States. That is the chief fundamental object of the commission. It is, however, specifically authorized and directed to investigate as to the effect upon the relations between employers and employees of collective bargaining of industrial agreements and arbitration and conciliation, and those matters that have entered into the question of solving the differences either temporarily or for a considerable period of time, between employers and employees throughout the country. The commission early decided that it would be necessary to investigate, by the visit of a subcommittee or the full commission, when that was possible, those sections of the country where such joint agreements existed. The one in this city, having to do with the relations between the employers in the ladies' garment industry and the workers in that industry, has probably attracted more attention than any other such agreement that has existed in our country during the past quarter of a century, or possibly, at any time in its history; and it seemed as though, in order to start our duties in these investigations, the proper place to begin was in New York, and in what is known as the protocol in the ladies' garment trade in this city.

I want to say to you now, so that there shall be no misunderstanding, and I want to say it at this time, because this is the first investigation the commission has undertaken, that under the law the Commission on Industrial Relations is neither a conciliation nor an arbitration commission, and we are not here for the prime object of bringing about or attempting to bring about, in so far as we are actually concerned, a settlement of anything that may be at the present time existing in connection with this protocol and the relations between the employers and the employees. I want to say to you, however, in behalf of the members of the commission who are here, that while we are members of the commission, we are also citizens of the United States, and if we can render any assistance to the men and women of this city, or of any other city, where we may be, that will help toward the right kind of industrial peace, as citizens, we are ready to do so, and will be glad if the hearing of this matter in this city shall result in better understanding than has now perhaps existed, and will result in better conditions in the industry generally, not only with the employees in whose interest and behalf I am particularly interested, of course, but in behalf of the entire industry—the men who have their money invested as well as those who only invest their labor.

The members of the commission that are here—Mrs. Harriman, who lives in your city; Mr. Ballard, on the left, from Louisville, Ky., who is on the commission as a representative of the employers' organization—Mrs. Harriman, I should say, is a representative of the public—and Mr. James O'Connell, who is a labor representative, and myself—I think I need no introduction to an audience in New York. My name is Lennon.

May I say before I call any witnesses that we do not propose to be technical as to relevancy or irrelevancy of evidence. We want the people to tell their story as they know it and as they see it, and if they have to say something—whether it be large or small—that perhaps is not directly relevant to the subject, that will make no difference, and they will not be shut off at the cost of doing so.

We ask that the people who have been requested to appear do so from time to time and from meeting to meeting until they have all been heard. We do not wish to issue any subpoenas; we believe that it is not best, nor to the best interest of hearings of this character; we are going to start out with the idea of issuing no subpoenas, but the commission has the power of a court to issue them, and if those that are wanted do not come without them, they will have to come after a summons has been served upon them.

I think, to open the matter, that I will call on Mr. Rosenberg, the president of the ladies' garment workers. Mr. Rosenberg, I think if the witnesses sit up here at the desk the reporters will probably hear better. You can sit down, Mr. Rosenberg, and speak up.

MR. JULIUS HENRY COHEN. Mr. Chairman, before you proceed, may I state that the representatives of the Dress and Waist Manufacturers' Association are ready to respond to your call, but as they are business men they would like to be relieved from attendance on the commission as much as possible. I am their counsel. May I ask you if any of them will be needed this morning?

THE CHAIRMAN. They will not be needed this morning.

Mr. Rosenberg, this subcommittee desires to know from you not only the conditions as they exist under this protocol, but as they existed a year or a year and a half beginning in, say, 1908 and 1909; tell us the conditions in the ladies' garment trade, and we want you to furnish us with a copy of the protocol, and identify it as being a copy, or have some one do it for you. You won't have to do it now necessarily, but tell us this story in your own way.

TESTIMONY OF MR. A. ROSENBERG.

MR. ROSENBERG. Mr. Chairman, it is absolutely fair to say our condition before 1910; prior to that time there was practically no organization, or there was a small organization, comparatively very small, and all we know of it is that conditions were horrible. The working girls were unlimited; officially they were between 55 and 57, but unofficially the working girls were about 60 or 70. The shops used to keep open seven days in the week, Saturdays and Sundays. As far as wages are concerned, it was much harder to say yet how conditions were at that time. Not being an organization, of course every employer dealt with every individual man and made his own prices; in some shops people used to earn money, but on the other hand in other shops they earned as little as \$10 or \$12 a week in the height of the season; that is, as far as pieceworkers were concerned. In regard to week workers, in my opinion the average wage for cutters was about \$18 in the height of the season. The average wage for pressers also in the height of the season was about \$14, and so forth. It was also a system in the ladies' garment trade, especially in the cloak department, whereby one man was the so-called contractor; for instance, a presser had an agreement with the employer to do all the pressing in the shop, and he was paid by the piece a certain price, and this one presser hired 10, 15, and sometimes as high as 20 pressers, working practically for him, not for the foreman but for the contractor presser; and they so arranged it that they used to employ 2 or 3 pressers and pay them \$16 or \$18 a week, and then downward as low as \$5 or \$6 a week. Of course, our people not having an organization, they were contented with almost anything they could get; they were not in a position to protest against conditions. Some five years ago, or six years ago, rather, a small organization in the city of New York got together and decided to improve the conditions of the workers.

After going over the field we found that it would be impossible for the workers to organize the people shop by shop; that is, to organize them in the usual way as other organizations were doing—calling meetings, agitating to the people and trying to get them to join an organization, and then asking for improvement in the trade. We found that to organize the people in a certain shop, as soon as the people in that certain shop were organized, the employer wanted to get rid of the union people the next morning, and as soon as they got into the shop the next morning the most active man who was noticeable in getting the workers to join that union was discharged; consequently, the small union could not do anything else but order a strike. In a strike, sometimes we won that strike; many times we lost those strikes, but even when we won, before the season was over—and, by the way, I want to inform you that in the ladies' garment trade there is no work all the year round; there are two seasons in the year, the spring season and the fall season; the spring season commences some time in the latter part of January or the beginning of

February and keeps on for 10 weeks, let us say, and after that 10 weeks the season is over. There was very little work in the shops, only a small percentage of the people getting employment, and those people kept on with a little work until about August, but in the month of August the fall season commences, and it also keeps on for 12 or 14 weeks, so that the only time when the union can be successful in enforcing conditions was only the time when the season was there. So we figured that during the fall season, which lasts for about 14 or 16 weeks, the union would not be in a position to organize more than 50 shops. We would probably organize 50 shops more in the industry, or perhaps even 100 shops, but the rest of the shops in the city of New York, which are about between 1,500 and 1,800, will remain unorganized. The consequence of these 50 or 100 shops is that they would have to pay higher wages to the union people and possibly shorter hours, and it could not exist; that is, the people in the shops having a price less than, let us say, 10 per cent on their wages, the result was that the other 1,400 or more shops were always in a condition to compete with the union manufacturers and the union people.

The result was that all those shops which we used to organize were at the beginning of one season dropped out of the union at the end of the season; so we came to the conclusion that the only way to improve conditions in the trade was to make a move on a large scale, to get the entire industry organized, or nothing at all. As I have said before, about six years ago we got together those who were active members of the small unions that we had and we came to the conclusion that the only way to improve conditions in the trade was by making a general agitation for a general organization in the trade, and we felt that, that a general organization in the trade and improving conditions in a general way could not be done unless a general strike should be called in Greater New York, and we worked to that end. We agitated, we made it as popular as we could among our people and told them what advantages they could get by having an organization, organized throughout the entire trade, and we agitated to this end until, I should say, May, 1910—by May, 1910—we had organized in the neighborhood of about 10,000 or 15,000, about 15,000 members already in the union, and we felt that by having about 25 per cent of the workers in the city organized we would be in a position to convince the others, who had not joined the union as yet, to fall in line, and then we could make a general move and ask the manufacturers for shorter hours, higher wages, and also standardize the trade as much as we could.

In July, 1910, after all the preparations for the general strike had been made, we notified our people to leave their shops, to go out on strike, and I should say 100 per cent of the people responded to the call for a general strike. Every shop in the city was out on strike. Officially the strike lasted for about eight weeks and two days—that is, officially; unofficially the strike lasted a week or two longer. After the general agreement had been signed with the manufacturers, it took about two weeks before we adjusted prices for piece-work, and so on. During the strike gentlemen of the various cities, business men, and also men who were interested in the welfare of the general public and also in the welfare of the community of the city of New York, tried to bring us together with the employers, and we then kept on conferring with them for some time, and on one or two occasions we could not reach an agreement until, finally, another group of gentlemen got in and some suggestions were made to alter the former agreements which were submitted to us by the manufacturers, and we finally agreed, and an agreement of that kind was signed with about 150 manufacturers, who constituted an organization, the Cloak & Suit Manufacturers' Protective Association. Outside of 100 or 150 employers who were in the organization, we succeeded in signing up agreements with about 1,200 or 1,300 individual manufacturers in the trade; that is, those 1,300 or 1,200 manufacturers employed at that time about 40 per cent of the workpeople who walked out on strike—between 40 and 50, of course the numbers are pretty hard to tell. The association of employers, the 100, employed the other 40 per cent; so then we had two groups of manufacturers to deal with; we had one group of manufacturers who had signed individual agreements and another group who had signed a collective agreement.

Prior to the signing of the collective agreement with the Cloak & Suit Manufacturers' Protective Association, the agreement signed with the individual concerns called for a scale of wages of about \$1 or \$2 per week more than the actual agreement signed by the association, and also there was a difference in the working hours. We signed with the individual manufacturers for an eight-hour day, for a strict eight-hour day, 40 hours per week, but after the con-

cessions had been given to the protective association, to the Manufacturers' Protective Association, to have our men employed on the basis of 50 hours per week, and also making the scale for week workers a dollar or two dollars a week less, the independent manufacturers, those who had signed independently also got that benefit. That was the understanding with them when they had signed their individual agreement, that any concessions which we might make with any association they should also get the benefit out of it. The gains which we have made on account of that strike, are, of course, very hard to tell, for me. I believe this matter is up before statisticians, and I believe there are some statisticians working on it to-day, who are paid by our union and also paid by the manufacturers' association jointly, and they have probably the record of the improvement in the trade; but as a general rule, I may say that the conditions of the trade on account of that strike and settlement, in my opinion, I believe the conditions of the trade were improved—well, I should say, about 25 per cent. I am not quite sure about it, and as I have said, it is hard to tell, but the statistics will probably show.

We have also gained in another way on account of that strike and settlement. The agreement or protocol signed with the Cloak & Suit Manufacturers' Protective Association also provided for a sanitary board of control, for a board which should see that all the shops were in a sanitary condition and also in a safe condition as regards accidents, fires, etc., and on account of the organization of this board of control, in my opinion, we are absolutely wiped out as regards sweatshops; those so-called sweatshops, as they used to call them in former years, were also abolished, and we also abolished the foot-operating system; our operators who used to work on the machine used to drive by foot power, and that has been abolished and electric power installed instead. We have also abolished the system which existed prior to that union by which every operator was compelled to furnish his own machine. The employees, or the majority of the employees, did not own their own machines.

The CHAIRMAN. You mean under the protocol you abolished that?

Mr. ROSENBERG. Yes; under the protocol, of course. Each operator had a machine of his own, and whenever he lost one job and was compelled to go and look for another job he had to pay 50 cents or \$1 for the expressman to move his machine for him from one shop to another, and the conditions were such in many instances where the operators used to move their machines two or three times a day; for instance, they came up in the morning at a certain shop and the expressman moved his machine to that shop, and he would put up the machine and make a garment, and perhaps the garment was not satisfactory to the employer or the job was not satisfactory to the employee, and he wanted to get his machine out, and he had to go into the street, and he went to the corner and got another job and then brought the expressman again and he moved his machine to the other job; and in many instances, as I have said, the operator used to pay the expressman \$1 and \$1.50 a day for moving his machine, when he might possibly only make \$1 by turning out two or three garments.

As soon as the strike was settled, as soon as the protocol was signed, of course every employer must furnish his people with machines. In many shops, also, the operators had to buy their own needles, too; operators had to buy their own oil to oil their machines, and even in some places there were instances where employers had machines of their own and supplied the machines to the operators, and the operators had to pay for the alterations in the machines when necessary. Whenever the machine got out of order, he could never get the employer to pay for the machinist to do the work of repairing it, because the employer, when he was very busy, did not care whether one or two operators did not work or not. Also, the employer would say: "We will have time next week to fix your machine; we will fix your machine next week," and the operator wanted to earn a livelihood, so he had to get a machinist himself and pay for the repairs out of his own pocket; and since the agreements have been signed and the union became a factor in the trade this has all been abolished. The employers are supposed to furnish machinery to the operators in good order free of charge.

Of course there are many improvements in the trade; it is hard to tell, which I can not myself exactly just now tell, but possibly the next speakers will give you more information about it.

The CHAIRMAN. How has it affected the shop's work?

Mr. ROSENBERG. After the signing of the protocol?

The CHAIRMAN. Yes; compared with what it was before.

Mr. ROSENBERG. I believe, as far as the shops are concerned, I believe none of the protective associations in the Cloak & Suit Manufacturers' Protective Association—the agreement says explicitly there shall be no strikes and lock-out, and possibly during that time we had a few misunderstandings with shops which did not call strikes, but a stoppage of work; but those stoppages of work have never been ordered by the union or by any official of the union. It is simply a case of people getting dissatisfied occasionally in a shop, and they believe their troubles are not being adjusted as quickly as they would like to see them go, and possibly some hard-headed man stands up and says: "Boys, let us stop; let us have a stoppage of work"; but those stoppages of work have always been ended by the union, as far as my knowledge goes. Of course, in many cases stoppages are avoided for more than an hour or two. To my memory we had only serious stoppages of work where the union had all sorts of trouble before sending the people back to work, in possibly half a dozen shops; those stoppages in half a dozen shops lasted for a day, or possibly two days, or say a week. Even in the independent shops—with those shops we do not have any individual agreement with—we have very few strikes, because the union, as well as the employers, are always trying to get together on some basis to prevent strikes. In other words, as far as strikes are concerned, I believe for the last three years and a half they have been out of existence.

The CHAIRMAN. What has been the result of your adjustment of grievances under this protocol?

Mr. ROSENBERG. We will come to that. When the agreement was signed with the Manufacturers' Protective Association we had no machinery; in the beginning we had no machinery to adjust the grievances which were likely to come up in the shops daily. For the first couple of months we had no machinery, and we did not know how to set about it. The protocol provided for a board of grievances; the board of grievances was composed of 5 representatives of the union and 5 representatives of the manufacturers' association; those 10 people used to come together whenever there was any grievance, and we tried to adjust them in the best way we knew how and with the best machinery we had at our disposal. On many occasions, when it was necessary to make an investigation, the board of grievances used to employ one representative of the employers and one representative of the union, and those two used to go up to the shop and investigate, and if they could adjust they did adjust it, and if they could not they brought it to the grievance board, to the board of the grievance committee, and the grievance board acted on the merits of the case, and some decision was made somewhere. But that arrangement was not satisfactory. The board of grievances offhand could not handle so many cases as they had on hand, so there was a whole lot of friction and trouble in the shops, and we finally called upon the board of arbitration to devise ways and means how to adjust grievances in the future quicker than they had been doing, and the board of arbitration got together, if I am not mistaken, in January, 1911.

A Voice. March.

Mr. ROSENBERG. Or in March, 1911. That was the first time the board of arbitration got together. When the board of arbitration decided to establish a system of clerks, deputy clerks, and whenever each side should have a sufficient number of complaints, one clerk and one general clerk—the general clerk should appoint the number of deputy clerks, as many as the occasion required; and so they did. That was understood—that whenever the two clerks, one clerk representing the association and the other clerk representing the union, go upon a case and make an investigation, if those two clerks agreed upon some proposition how this case should be disposed of, it is final, and each side must obey the order of the clerks—the manufacturer as well as the union must obey the order of the clerks.

But whenever those two deputy clerks disagreed and could not come to a conclusion, then it was submitted to chief clerks on each side; each side has a so-called chief clerk—the manufacturers' association employed one and the union employed one—and those two chief clerks got together and tried to make a disposition of the case. But whenever those two chief clerks disagreed on a case, then it was brought before the board of grievances, and the board of grievances, sitting as a court, used to hear the case; and whenever necessary they called witnesses to testify, and it was the custom that each side had an equal number of members on that grievance committee, so it required one of each side to decide the case one way or the other; for instance, if the union had a complaint against a certain manufacturer, it required one manufacturer to vote with us; and, on the other hand, whenever the manufacturers brought up one

of our people to vote with them, they won the case. It always required six, or a majority, to dispose of a case, and we got along the best way we could, the best way we knew how; and we used to have these agreements, and we used to have a tie vote, where both sides could not agree even on the grievance board; so, on many occasions, where we were ready to appear or the other side was ready to appear before the board of arbitration and submit their side of the case, and on many occasions also on the other side, the case was not so important as to present it before the board of arbitration, and of course we tried to make some disposition of it. But, in a general way, I believe that the board of grievances, with the system of clerks, has made adjustment in almost, I should say, 75 per cent of the cases brought to the attention of the association and the union.

For instance, out of a record of 5,000 or 6,000 cases which have been taken during the life of the protocol, the protective association only—I mean during the life of the protocol during the life of the association, only 160 or 170 cases were tried before the board of grievances; the rest of the cases either were disposed of by the clerks one way or the other, or, in some cases which were dropped—I do not know the reason why they have been dropped, possibly each side will have something to say on that matter, I don't know, because I have not been directly working with the protocol division. But on many occasions we dropped a case because we found the case was too old to take up. For instance, where a complaint has been presented, say this morning, and the number of clerks were limited to each side at about 4 or 5 or 6 clerks, and they could not go to any more than 10 or 15, say 15, cases in one day; during certain days stoppages of work occur, and the rule of the grievance board was that where there was a stoppage of work such cases must be taken up and disposed of first, and those cases got the preference over other cases; so in some case it happened that it took some days before the clerks were in a position to take up a certain case, and either the case was straightened out by itself or the people who made the complaint did not show up again to the office of the union to ask about their complaint, or they left their employment or they did not care to make their complaint any more; that is what we usually call dropped cases, and all the dissatisfaction that has been going on in our organization against the Manufacturers' Protective Association is on account of those dropped cases. They claim that every case must be disposed of one way or the other. I suppose the next speakers will probably give you more information about those dropped cases than I have. I know very little of them; I know only what I heard of them.

I think now I may say that the protocol—well, I would not say it was an absolute first-class instrument to do away with this trouble between capital and labor, I would not like to say it even if the protocol should be an instrument to do away entirely with the struggle between capital and labor—then I personally would not like to see it because that would be throwing the union out of business entirely. [Laughter.] I may say that the strength of the trade-unions is the discontent among the masses. [Laughter.] It is a fact that whenever shops do not have complaints, where the union does not receive complaints from one, two, or three leaders or men, the leaders of the union immediately try and find out what is the matter with that shop, because they know there is something wrong in that shop. The words "union shop" are not expected where there is no complaint, and the best union shops are where there is some complaint; it is some life, some life is injected and there is something going on.

THE CHAIRMAN. You ought to have unfavorable conditions of employment in order to keep it alive then?

MR. ROSENBERG. Not at all. On the other hand, if the people are subjected to slavery they are all the time contented, because slaves are always contented. The Japs and the Russians and the Chinese are contented; they are slaves and they do not protest. But there are some shops where our people, I may say to our sorrow, are not honest enough to demand their rights, and they get together with the employers and make up some bargains behind the backs of the other workers, and everything is fine for them and it works lovely, and in fact those shops when we investigate them we will find the scale of wages in them is not paid, the union hours are not observed, and in fact no protocol conditions exist in those shops at all.

THE CHAIRMAN. Mr. Rosenberg, has there been from season to season more or less change in the prices paid for work; has there been a decrease or increase in that respect?

MR. ROSENBERG. It is very hard to tell, because our people are pieceworkers in manufactories which usually change their styles every season—not every season, but practically every week. If an employer makes up a style or a list of samples in January, when the month of January is over this line of samples is not to be seen in the show room any more. Each style of samples has a different labor to perform, and the prices are usually settled according to the value of the garments. Each shop has a price committee selected by the pieceworkers themselves, and as soon as a designer brings in a new design to the factory the price committee get together with the employer and try to adjust the price and the value of the garments on this particular style.

THE CHAIRMAN. I understand Mr. Winslow has been making an investigation on these matters and he can probably testify on them.

MR. ROSENBERG. I believe Mr. Winslow is merely handling the matters of the week workers. As far as the week workers are concerned, there is a scale provided in the protocol. Since the protocol has been signed the manufacturers are supposed to pay that scale, and I should say in many cases where we found the manufacturers had not paid the scale we brought charges against them and action has been taken by the association.

THE CHAIRMAN. Has there been any change in the protocol since it was first signed except in the matter of the power of the clerks to settle differences?

MR. ROSENBERG. It was changed in regard to the wages for a certain branch in our trade—for the pressers. The scale of wages for pressers was \$21 and \$18 for underpressers, and since the signing of the protocol we submitted our claim to a conference of the manufacturers' association with the union and we demanded an increase of wages for all the week workers, and the board of arbitration sitting on that case came to the conclusion to increase the wages for pressers \$2.50 per week, and for underpressers \$1.50 per week, and they have also decided to leave the other branches of the trade, like the cutters and sample makers, etc., to leave them for another meeting of the board of arbitration which may take place in May or in June; and Mr. Winslow is working now to find out the exact earnings of the people throughout the year in that particular branch of the trade—in the cutting and sample making and so on—and I believe Mr. Winslow will be ready to submit his report to the board of arbitration and I believe as soon as he does the board of arbitration will act on that and decide whether the cutters and the sample makers are to participate in the increase of wages or not.

THE CHAIRMAN. Will you tell us as to the present relations right now to-day between the unions and the manufacturers under the protocol?

MR. ROSENBERG. Well, it is very hard to tell. There are some complicated affairs going on; I don't know whether it is a misunderstanding, as I may call it, but things are not working now as lovely as they did before, as I said. There is something the matter, and to be honest and frank with you gentlemen, I believe the fault of the present difficulty is because, I should say, we have too many lawyers in this proposition. [Laughter.] I said it on many occasions before conferences of the manufacturers and, if I am not mistaken, Mr. Lennon was present with us when we conferred with the manufacturers' association in 1910 during our strike, and I personally asked the manufacturers then to eliminate the lawyers from these conferences; I told them: "Gentlemen, we are cloak makers, we know how to make cloaks, we are manufacturing men, and you are manufacturing men, let us get together and we will talk it over among ourselves without the assistance of lawyers;" and I said: "Then, I am quite sure we will come to an understanding." But we could not get the lawyers out of this proposition. The manufacturers did not care to eliminate their lawyer and, of course, we did not want to eliminate our lawyer. So it is found to-day whenever a conference is held, instead of talking about manufacturing cases, about manufacturing cloaks or suits, we talk about law, about the Supreme Court, and all about decisions of various judges, and I really could not understand how we could ever make any headway. I am a plain worker, and I don't understand that high-type English. Sometimes the lawyers got quarrelling among themselves for about three days and on points which did not interest me a bit.

That is my honest opinion, that if the lawyers could be eliminated entirely on either side, I believe we could in some way get together. There is no danger; the only danger is this—I found it in the trade-union movement—the only time when trouble would occur is when either side refuses to have anything to do with the other side—if the employers refuse to meet me as a representative of the union, then there must be trouble, there must be strikes,

and if the representatives of the union refuse to meet the employers there is a lack of unanimity; but as soon as both sides make an attempt to get together, you will always find a desire for conciliation.

The CHAIRMAN. If there is any necessity, you are making that attempt now?

Mr. ROSENBERG. Of course, our negotiations are not broken up, and we don't expect them to be broken up at all. It is merely, as I have said, some misunderstanding, and possibly it will come out all right in the end anyway.

Commissioner O'CONNELL. Has a protocol any tendency to give more steady employment and do away with the seasonal occupation?

Mr. ROSENBERG. It ought to, but that is where the whole fault comes in; and this I may say is not the fault of the protocol, but it is the fault of a good many lawyers who are connected with this association, having signed the protocol. For instance, some employers, members of the association as well as independent manufacturers, have open shops, and in cities outside of Greater New York; either directly or indirectly they have open shops, and those shops in the beginning, they claimed that the protocol had nothing to do with the shops which were operated in New Jersey, in Newark or in another small town on the other side of the river; they claimed it does not apply to shops located outside of Greater New York. After long conferences with the manufacturers' association and also with the union it was expressed by the board of arbitration that the out-of-town shops were to come under the protocol just as well as the New York shops are under the protocol. That was the opinion expressed by Mr. Brandeis, who was the chairman of the board of arbitration, and since then the manufacturers considered that all their shops, whether under the supervision outside of the city of New York or not, ought also to come under the same protocol.

But a good many manufacturers I found had another way of getting out of the protocol, and that way was to have the work done cheaper, to some extent. Some of them ceased to manufacture cloaks—at least not all, they did not give up manufacturing, but instead of manufacturing, say, \$100,000 worth of garments in a season in the factory, they arranged to make up 20 per cent of their merchandise inside the factory and the other 80 per cent they bought from the smaller manufacturers, who were called submanufacturers. There are submanufacturers, as they are called in our trade, who want to go in business and have not the money, and they come in and say to Mr. Jones: "Say, Mr. Jones, I know how to manufacture cloaks and suits; you send me in your raw material and linings, and you send me some patterns, and I will do the cutting somewhere else, in my own shop, which does not cost me as much as you pay on Fifth Avenue or on Twenty-fifth Street, and I will make you the same garment \$1 cheaper than you could manufacture it." Of course, the manufacturer goes to work and takes that offer, and he claims he buys it, but they don't buy it; they send the raw material and linings, and they know what the goods cost, and it is only a difference in the labor; for instance, if the manufacturer has to pay \$2 for a garment, and the next man can turn them out for \$1 or \$1.25, the next man makes 50 cents profit, and he can do them that much cheaper; and our men are deprived of making a living in that way.

It is true enough that the protocol conditions and everything have been for good prices, but they only probably make one garment, and instead of making six garments which would net them \$5 or \$6 a day it nets them only \$1. That is where the whole trouble comes in. We have done our best to get together with the manufacturers on that particular point, and we could not find a remedy. I don't know whether it is the fault directly of the manufacturers or whether it is the fault of our union as well as of the manufacturers. These are what we call the leakages. As soon as prices are adjusted in the shops, in the beginning of the season, for a certain price, a manufacturer goes to work and has the work done somewhere else, probably cheaper, and our men have not got enough employment, and that is another dissatisfaction our people have with the protocol. I don't believe there would be any dissatisfaction at all—our men are merely looking to get work enough to support themselves, but what is the use of working under a protocol, no matter how sanitary the shops are? It is true it is better in the shops to-day than it was four or five years ago, but you have to have bread and butter and meat to feed your stomach; the air you get won't feed your stomach. The people go out of a nice clean shop and into the open air, and their stomachs are empty, and they come to the union and say: "Our condition was better prior to the signing of the protocol than it is now. We know it was signed, but some people are

out of work, and we know some people who have been out of work for a long time on account of the arrangement with the other manufacturers."

Commissioner O'CONNELL. They are out of work just as much in the seasonal time as before the protocol was signed, are they not?

Mr. ROSENBERG. Yes. As far as the seasonal occupations are concerned it is very hard to tell, but don't you see, if they should want to remain on the same conditions as did exist prior to the protocol, then there would not be any use for them to stick to it.

Commissioner O'CONNELL. Does not the protocol in any way protect the employers and prevent them from that subcontracting or underbidding each other? Does not the protocol think for that purpose that the employers should pay the same price?

Mr. ROSENBERG. I will explain, Mr. O'Connell, how it is. The union can only protect when there is week work. For instance, we know a cutter has to get \$25 a week; whether that cutter works for Mr. Jones or Mr. Jim, he has got to get \$25 for his labor, whether the shop is located on Forty-second Street or the shop is located somewhere else on the East Side, on Pitt Street, the cutter has to get \$25, and it is the business of the union to go to the shops and investigate whether they actually do get that, and if they find out in some shops where the scale is not paid, of course the union takes action, but you can not do it with piecework. For instance, I work for a certain manufacturer where the workpeople are used to getting, let us say, single garments. Each garment is cut separately. I come in the morning; the foreman gives me a single garment to make. It takes me three hours before I turn that garment out. Then I have to go to the foreman for another garment, which takes me sometimes half an hour before the foreman is ready to give me the other garment, so I lose half an hour. So, when the prices are adjusted in that shop I must figure the time the operator is losing between one garment and the other, and I must also figure the way garments are handled. For instance, when an operator gets a dozen garments at one time, in one cut, together, he can turn out two garments a day more than by making single garments, or each garment separately.

Of course, it may seem news to you, but our people understand it. The cloak makers and also the manufacturers present know it exactly.

We must also figure the place. We must figure who the foreman in the shop is. If we have in our shop a foreman who treats his people right and does not care to bother the men when he wants him, to show him some defects, or a garment that may be fixed, then, if the foreman takes the garment and takes it over to the operator to the machine and tells him: "Check this, and this should be altered," why then the operator does not lose any time. He fixes it, and then he is done with it; but in some shops there are foremen who will never take that garment and carry it to the operator to have it fixed, but they call the operator. The operator has to stand up from his machine and walk down to the foreman's table and has to talk to him 10 or 15 minutes before he explains everything, and at the same time he loses 15 minutes, and it is likely the operator may lose the 15 minutes three or four times a day. The operator must figure exactly when prices are made on certain garments, he must figure the time he loses; but, on the other hand, in the smaller shops the system is absolutely different. The operator comes in in the morning, and he finds near his machine as many as 20 garments at one time, in one cut. Well, I used to work in shops where my employer, when I came in—I usually came in on Monday morning or Sunday morning, whenever we worked—I found near my machine 100 garments, for a whole week, or two weeks, sometimes of one style; and I sat at them for a week or two continually, doing nothing else but the same identical garments, and whenever I needed the trimmings for the garments I did not have to send out and walk sometimes a whole block, from Twenty-second to Twenty-third Streets. The shops are so long that it takes a whole block now, and the foreman's desk is at the Twenty-third Street side, and the operator's place may be on the Twenty-second Street side, so he has got to walk a block, which takes 10 minutes, for a bit of trimming, for a spool of cotton. In the other shops all I had to do was merely to tell the boss to bring me the cotton or trimmings to my machine, and so he did; and when I sat down to work in the morning I knew I was sitting till 6 or 7 o'clock and doing nothing but turning out garments. That is why the people in the other shops can afford to work for ten or fifteen or even a quarter a garment cheaper than they can do it in the Fifth Avenue shops, in the protective association shops.

Even by getting 25 cents less on a garment they are liable sometimes to have more money than in the big shops, where the prices are much higher. That is where the trouble comes in, and that is what the dissatisfaction is about.

The CHAIRMAN. Has that ever created any serious hitch between the unions and the employers?

Mr. ROSENBERG. Sure; this was the cause on a great many occasions of stoppage of work. They sit in the shop for a week, or weeks, rather, and all they do is merely to make the specials and duplicates, or samples, and the stock work is not in the shop; it is made somewhere else. They see there are thousands or hundreds of garments brought into the shop, fixed up and made up, and who made it God knows. Who made it? They did not, and, of course, it is liable that a man should get dissatisfied with such conditions.

Commissioner O'CONNELL. What is the average yearly earnings of a practical man in the trade?

Mr. ROSENBERG. It is very hard to tell, but I believe it may be about \$16 a week.

Commissioner O'CONNELL. Will it average that the year around?

Mr. ROSENBERG. It will average that all the year around.

The CHAIRMAN. That is for the operator?

Mr. ROSENBERG. That is for the operator, and the finishers will be less. The average wage for a finisher will probably be between \$10 and \$12.

Commissioner O'CONNELL. Do the women make the same?

Mr. ROSENBERG. Some women will make more money than the men.

Commissioner O'CONNELL. Generally?

Mr. ROSENBERG. Generally, the men are making more.

Commissioner O'CONNELL. Why?

Mr. ROSENBERG. Because they do a better class of work; the men do.

Commissioner O'CONNELL. Where they do the same work do they get the same pay?

Mr. ROSENBERG. Sure.

Commissioner O'CONNELL. Make the same kind of garment?

Mr. ROSENBERG. The same pay.

Commissioner O'CONNELL. Now, so far as wages are concerned, what brought that about? Was that so years ago?

Mr. ROSENBERG. That was the custom in the trade; in former years it was this way: There was no stipulated price. For instance, the employer used to pay Jack \$1 for a certain garment and Jenny 70 cents and Jim 80 cents. He paid as much as he wanted to. In fact, there was no stipulated price. He paid as much as he felt like.

Commissioner O'CONNELL. Are there any Jims and Jacks in the trade?

Mr. ROSENBERG. Well, yes, there are. But now, after the union got strong, we have decided to prohibit—

Commissioner O'CONNELL. It is surprising to me.

Mr. ROSENBERG. We have decided to prohibit this practically, and whenever there is a price made everybody must keep it, and no agreement could be made unless the price is fixed upon.

Commissioner O'CONNELL. That condition is extraordinary, so far as the general employment is concerned, that women are getting the same as men.

Mr. ROSENBERG. I believe they used to get it all the time; that was the custom of the trade.

Commissioner O'CONNELL. It is not so generally; just why it is in that trade I would like to know.

Mr. ROSENBERG. But in our trade it always goes that way, because, in fact, they prefer women in a good many shops to men.

Commissioner O'CONNELL. Men do the finer class of work?

Mr. ROSENBERG. Yes; but in the cheaper kind of work they prefer women, because the women are faster to do handwork. We have women in our union who make about \$25 or \$30 a week or so.

Commissioner O'CONNELL. Your impression and opinion is that the protocol has brought about an improved and better and more stable condition in the trade?

Mr. ROSENBERG. Absolutely so.

Commissioner O'CONNELL. Is that the general opinion of the men in your organization?

Mr. ROSENBERG. That is the general opinion of the better element of the membership.

Commissioner O'CONNELL. The "better element," what do you mean by that?

Mr. ROSENBERG. The ones who know something.

Commissioner O'CONNELL. Well, the fellows that do not know something, why don't they believe that? Is there some influence working among them in some way?

Mr. ROSENBERG. It is a condition created which we are not responsible for. In fact, as I have said before, in the first place they have very little work on account of the inauguration of submanufacturers, and the results are dissatisfaction for various reasons. For instance, a good many of their members claim that in cases where people are discharged, for instance, and they can not get redress, their cases are not taken up and adjusted, and they can not get a square deal, so that they are under the impression that it is the reason because of the protocol exists, and if the protocol did not exist they would not be discharged—that is their contention. Of course, it is very hard to make the 50,000 men who have not been union men—up till about 1910—to make them understand exactly how far they can go and what rights they have and how far they should not go—that is practically the condition prevailing to-day. I believe the unrest in the trade at the present moment is on account of the slackness in the business. For the last year, or I may say a year and a half, the best members of our organization who used to work in the finest shops on Fifth Avenue have had very little work, and that creates dissatisfaction. Of course there are always outside agencies who are contributing to it, but that is immaterial at the present moment. That would not cut any ice.

Commissioner O'CONNELL. There is not much ice being cut just now.

The CHAIRMAN. All right, Mr. Rosenberg.

Commissioner O'CONNELL. Mr. Ballard wanted to ask what they made in 1910, and what do they make now, on an average.

Commissioner BALLARD. 1910, you spoke of three or four cases which made certain amounts; what do they make now?

Mr. ROSENBERG. I said that prior to the strike of 1910 the pressers, for instance, the average scale for the pressers was about \$16—I may say about \$16—now the average scale is about \$19, or \$20 rather. They have \$23.50 for pressers and \$19.50 for underpressers. That will make about \$21 on an average.

As far as the sample makers are concerned they are also week workers. Their price was also about \$18 or \$19 on an average, and now their scale is \$22 and over. The minimum is \$22. The scale for pressers was officially \$24 prior to the strike, but in 70 per cent of the trade the cutters did not get more than about \$20 a week; the scale now is \$25.

Commissioner O'CONNELL. And that is the result of the protocol conditions, and conciliation, and all that sort of thing?

Mr. ROSENBERG. Yes; and also the result of the union.

The CHAIRMAN. Sure.

Commissioner O'CONNELL. You could not have a protocol without a union?

Mr. ROSENBERG. That is right.

The CHAIRMAN. What has been the effect of the protocol as to making shops union shops?

Mr. ROSENBERG. As to making shops I do not believe the protocol had anything to do with it. We have practically had 95 per cent organized before our people went back to the shops, but we had very few of nonunion people when they returned after the strike, and since then, the manufacturers cooperated with us in carrying out the protocol, in letter, if not in spirit, trying to inform their people that whenever they desired the benefits of the union, they must share their burdens. That practically means that the people who do not pay dues to the union, and do not contribute to the maintenance of the union have no business to work in a protocol shop.

The CHAIRMAN. You have heard no serious contentions on that?

Mr. ROSENBERG. Not at all; we straightened this matter out amongst ourselves. After the strike we had a few hundred—the so-called strike breakers, or scabs, and as soon as the agreements with the employers expired, we got together with the manufacturers' association and we made provisions for them to join the union and paid in certain dues to the union and there was no trouble at all on account of that.

The CHAIRMAN. Do you want to ask Mr. Rosenberg any more questions, Mrs. Harriman?

Commissioner HARRIMAN. No.

The CHAIRMAN. We will call Secretary Dyche. Now, Brother Dyche, you are the hardest man in the United States for stenographers to take notes from.

1038 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

There is no man equal to you that I know of, and you will have to be as slow as possible. Incorporate in a brief way what you find necessary to add to Mr. Rosenberg's statements, but do not go entirely over the same grounds.

TESTIMONY OF MR. JOHN A. DYCHE.

Mr. DYCHE. If you will permit me, Mr. Chairman, I will relate a few incidents of what I consider to be typical, which will give an idea how the conditions existed prior to the great strike of 1910, and how they exist to-day. I will state my own experience as a worker in the shops. When I was working in the shop, I had a man, his name was James, who had a steady job for me, and this was to pull my machine from some place to another, and carry my machine from place to place. When taking a job, we said, we move to a place, and when we left the employment, among ourselves we used to say, "We moved from that place. You work for Mr. Smith? Yes; I have now moved from Mr. Smith's"; and in my experience I remember one day I had to move to three places, because I was very hard up for a job, and I tried to get in all these places. The price was so low in one case the employer was not satisfied with my work, and the price was out in another, and I was not satisfied to make one agreement, and then I left it.

Just five years ago, about this time, we had a strike in a shop which I adjusted. The foreman is now out of the business—but that is unnecessary information. Talking to the employer he said, "Those people earn quite good wages?" He showed me his books, and on an average the people made from \$17, \$18, or \$19 a week, and he said, "I think this is first-class wages for skirt makers." But these people work five days in the week, two nights overtime, Monday, Tuesday, Wednesday, Thursday, Friday until 8 o'clock, and Sunday half a day; that is 62 hours. He considers this to be satisfactory wages. He says, "It is true my shop is not a first-class shop, but on an average I am as good as anybody else in the trade." I will not exaggerate in saying that the average skirt maker in an average shop earns more by working only 50 hours. Just the summer before the strike, I was on Fourteenth Street, and Fourteenth Street Square Park, and I overheard a conversation between two pressers. One asked the other—I do not know his name, it was not Smith, but Moses—he says: "What are you doing?" "I am out of work." "How long?" He says, "I am out of work now for several weeks." That was in the month of July or August. He says, "Well, do you want a job?" He said, "I want very much the job." He says, "You know I am a contractor." "Yes," I says, "I know." He says, "Will you go to work for me?" I said, "Yes, I will." He says, "But one thing I want to tell you, do not talk about hours of work. You will work as many hours as I will tell you. Are you satisfied?" He says, "Yes." "And then do not talk about wages I will pay you." "About wages, I want to know what I am going to get." He says, "Oh, well, if you will work well," he says, "I will pay you \$8 a week." I said, "Well, \$8 a week? I used to work in the season for \$16." "Do you know," he says, "I am an old presser, and one of the best in town, and even if you want me to work indefinite hours for \$8, I do not know whether I can do it." Now he says, "You have been out for six or seven weeks, and you have not earned a cent, and you can be out another week, and it is true if you will work for me, you will get \$7, and now you can not pick up \$8 in the street." So I do not know whether they finally agreed upon the point of going to work, but this was the trend of the conversation.

Another incident during our general strike. We prepared the text of an agreement for independent manufacturers stipulating conditions. Mr. Rosenberg wrote down the text. I was writing it, and he was dictating it. He just told me. He kept on dictating. In one of the clauses it said that a piece of work should be calculated at the rate of 75 cents an hour. That is, if a garment takes two hours, it should be a dollar and a half. If it takes only an hour, it should be calculated at 75 cents. There was a group of men there, all the general strike committee present, and one of them said to Mr. Rosenberg, he said, "You are greedy, did you want to stipulate 75 cents an hour. If you stipulate 50 cents an hour, it will be given, and it will be more than we expect." Rosenberg says, "Never mind," he said, "You think the rate was foolish, so you say, and think we should ask for 50 cents an hour, why, we will get 25 or 30 cents, but if I say 75, we get a chance of getting 50 cents."

I am speaking to-day—I can not say I know it from my own personal experience, but I am telling of the business agents, that in most shops the calculation gives it as a dollar an hour. That, of course, does not mean that if you work 50 hours you earn \$50; only calculating the price of a garment at a dollar an hour the chances are you will earn \$25 or \$30 a week, which means during the season you may work the year around at the rate of \$16 or \$17 a week, because the cloak trade is very complicated. The styles change so much, and when you get garments you have to go for trimmings, as Mr. Rosenberg told you, and so on. There is attached a great deal of waste, so that if you calculate a garment at a dollar an hour, at the end of the week you would probably get \$25 or \$30 for 50 hours.

Commissioner O'CONNELL. How has the protocol brought about that increase?

Mr. DYCHE. The general strike of 1910 brought about this condition.

Commissioner O'CONNELL. Go into the protocol; what has been your experience of that?

Mr. DYCHE. Another incident, I will incorporate what Mr. Rosenberg said about the difficulty with the lawyers. It was about last year, at this time, we had a difficulty with the manufacturers on the question of out-of-town shops. There was a fight between both lawyers as to what should be done; how it should be written and what kind of letters should be exchanged between the manufacturers and the union, and for two weeks our executive board could transact no business. We were always discussing the text of some letter to be written to the employers, and our lawyer said it must be written one way, the "I" must be crossed in a particular way, and the lawyers of the association disagreed—and we thought if we could meet one day in the office of the association, and I suggested to Mr. Silverman, the president, I said, "Mr. Silverman, if you will give your lawyer a couple of weeks' vacation, and we will give ours the same, we will adjust it." I do not know whether the lawyers got a vacation, but I know we came together, and got along, and the out-of-town shops were dealt with in spite of the lawyers. I believe, Mr. Chairman, that if we could induce our people and the manufacturers to give their lawyers a couple of weeks' vacation and forget to call them back we would get along nicely.

Commissioner O'CONNELL. Is there not some present disturbance in connection with the protocol?

Mr. DYCHE. Yes; and that is due—

Commissioner O'CONNELL. Are the lawyers responsible for that?

Mr. DYCHE. It is true, because we have been fortunate enough to try to run our relations with the union, without the lawyers' protection, on the question of what they call abstract rights. The reason why, Mr. Chairman, I say the lawyers are a hindrance and not a help to that, is not because I have a prejudice against lawyers. Some of them I like very much, when they attend to their own union affairs, and that is when the lawyers speak of the rights, and those rights which have been established by law. Unions have absolutely no legal rights. With the union itself, it is largely a question of might. You can not bring a union into existence except by having—this protocol was created through a big struggle. In the union all the rights that the working people can get anywhere are largely through having strikes, and whenever they cease struggling for their existence no amount of lawyers and legal technicalities will give them anything, and because the lawyers are trained in the defending of rights only, that is where the trouble comes in.

Some of you at this time are trade-unionists, and you know what I am talking about; and another thing I have noted that lawyers have a great contempt as a rule for trade-unions and trade-union followers and methods, and we can not run our relations with the manufacturers, except on well-defined policies and methods, which the lawyers are either ignorant of or they have a contempt for.

Commissioner O'CONNELL. Does the protocol provide in any way for the adjustment of the thing that now seems to be in dispute, that is causing a sort of unrest among the people in the trade?

Mr. DYCHE. The protocol provides this, that before calling a strike or a lockout, matters of difference should be given over to a board of arbitration. Of course, I want to say this—I want to illustrate one of the difficulties that we have with the protocol, and that is this: The reason why there is so much unrest among the people is for 27 or 28 years we have been trying to organize the cloak makers in this industry, and we have always failed. That is, our organization was temporary. We succeeded in organizing sometimes a dozen,

sometimes two dozen, sometimes 100 shops, but this industry has to-day about 2,000 shops, and at the end of the season it melts. You could not get along. During this time there has been a constant struggle between us and the manufacturers, but it has resulted in no tangible improvement.

This protocol is conceived on the basis that it is to the interest of the manufacturers and the interest of the union to maintain standards. That requires the cooperation of the manufacturers and also the cooperation of the union to maintain those standards. The reason why this protocol exists to-day is because it is as much in the interest of the manufacturer as it is in the interest of the union to maintain it. The manufacturer is just as much benefited by the protocol as is the union.

To illustrate this I will give you an illustration that I had not long since with two manufacturers. One was a clothing manufacturer and the other was a clock manufacturer. This clothing manufacturer asked me, he said, "Mr. Dyche, I see that you are a sensible man, tell me in truth, between man and mau, what has this general strike done for anybody?" Before I replied the clock manufacturer said, "I will tell you what it has done for me. Prior to the clock strike, at the height of the season, I was in the factory from 7 a. m. until 10 o'clock at night, Saturdays and Sundays included. I was an absolute slave to my factory. Since this strike, on Saturday at 1 o'clock, my machine is waiting for me. I go into the machine and go home, and I do not see my factory until Monday morning. That is what the strike has done for me. The strike has put a stop to the chaotic conditions which existed in the city."

There is no industry in the world, perhaps, or very few, where the difference in prices and the earnings between one factory and another existed so much as it did in the clock industry prior to the strike of 1910.

We have had some shops where the conditions were pretty fair I should say. The hours were 52 or 54. There were shops where there was no Sunday work. There were shops—well, I do not know any shops where there was no home work, but I want to say one of the great blessings which the general strike of 1910 brought out was the abolition of home work. Mr. Rosenberg spoke about this, and I think this is the greatest thing that the strike has inaugurated. Up to July 7, 1910, in spite of all the agitation carried on by all sorts of reformers, politicians, and settlement workers, and clergymen and good people generally, against sweating, in home work, home work existed more than ever until July 7, 1910, the day when the strike was called.

After 6 or 7 o'clock in the evening, when people left their shops on Fifth Avenue, you could see those people carrying bundles home, and some of them had two machines. One machine they had in the factory and one machine they would have at home, and when they went home they carried the bundles and they would sit at home and work there, their wives and children helping them Saturdays and Sundays.

I want to say that the respectable manufacturers close their shops on Sunday, but some of them do have them open and—as the result of this strike—I should say that all that has been abolished.

Commissioner O'CONNELL. What is your general impression of the protocol, how it has worked, your experience, and your opinion of it?

Mr. DYCHE. My experience is that this protocol is an improvement upon what we had. Of course, I have my ideas. Of course, every one has his ideas of its working. I know its weaknesses, and I know it has to go on improving. It must make for improvement; but the reason why I am such a staunch believer in the protocol and would do everything possible to maintain it is this: That I have had 27 years of hard, laborious work in trying to organize the people of my craft, and I have suffered, I mean physically suffered, in all sorts of ways. I do not want to tell you what I have suffered, or what my colleagues have suffered, I mean Mr. Rosenberg and a few more, and we have seen no end to it except through the protocol. When I say protocol I say a collective agreement between the union and the association of employers. I do not believe that we can maintain our association in New York City without having a collective agreement with the employers. We have tried for 25 years to have agreements between individual employers, and it was an absolute failure.

Commissioner O'CONNELL. You are familiar with the proposition. We want to know the strong points and the weak points throughout the country generally.

Mr. DYCHE. The weakness is this: In the first place, it is hard for our people to be reconciled with the idea that the union should go and make a compact with the employers, people who have been trained for years, who have been engaged for years in a life-and-death struggle with the manufacturers, and, then, all of a sudden become confronted with the proposition that the union should cooperate with the association of manufacturers.

Commissioner O'CONNELL. They believe that they should have a right to make individual contracts?

Mr. DYCHE. I wanted to explain—the psychology of the people who have been engaged for years: We have been engaged for years in struggling, because we have always had trouble. It is not a quiet industry. Now, people are not like people who come here and accept anything. This industry has been a ceaseless struggle and strife between the employer and the manufacturer and unfortunately it led to nothing, and after all is said and done, they have been confronted with this situation—that the union has entered into an agreement—into a compact—to help the manufacturers' association and the employers' association to help the union. That is something they can not swallow. It is very easy for any demagogue to come in and tell the people: "You see you need us," and there is hell—excuse me for the expression, but that is exactly what we get. That is one of the troubles. I believe we will get over it.

Commissioner O'CONNELL. You think the working people, as far as you see them, are opposed to the employers being organized in an association?

Mr. DYCHE. What I say is this: That the great mass of the people can not believe that it is possible for their organization to act in cooperation with an organization of employers. They think that every attempt in that direction is what I should call treachery on the part—I should say a large number of our people—and it requires an intelligent man to give expression to these sentiments which are largely in vogue, and we, therefore, get into hot water. That is one of the difficulties.

Commissioner O'CONNELL. That is the weakness of the protocol, then?

Mr. DYCHE. It is the weakness of the conditions.

The CHAIRMAN. The psychological conditions?

Mr. DYCHE. Yes. It is enough for any man of intelligence to come and give vent to this feeling of the masses; but it is foolish to think of a man, who has devoted his life to the cause, that he could become a traitor to the cause and should join the employers' association. That is one of the weaknesses, and, excuse me, in order to maintain the protocol, you must have people in whom the other people have confidence; but if a demagogue comes and tells the people that those people who have been trying to maintain the protocol are the friends of the bosses, then, of course, the protocol falls to pieces.

Commissioner O'CONNELL. They are in favor, generally, of making agreements covering the trade?

Mr. DYCHE. Individual units?

Commissioner O'CONNELL. With the employer or employers, either individually or collectively?

Mr. DYCHE. Yes.

Commissioner O'CONNELL. Or with their direct employer, for their personal employment?

Mr. DYCHE. Yes. There is another difficulty in adjusting this.

Commissioner O'CONNELL. Somebody ought to go down and tell those people that the days of individualism, so far as the industrial world is concerned, are past.

Mr. DYCHE. I would like to give you that job, just now, and you would see how you would look.

Commissioner O'CONNELL. I am afraid, though, they would not understand my Irish.

Mr. DYCHE. If you spoke French they would not understand you.

The CHAIRMAN. Mr. Dyche, can you furnish the commission with a copy of the protocol?

Mr. DYCHE. Yes, sir.

The CHAIRMAN. And show who are the signers of it. This book here is published, that does not show the signatures of the parties who signed it, and who are responsible for it. Who are the responsible parties for the carrying out of this agreement?

Mr. DYCHE. When the agreement was signed it was signed by the officers of the international union. The strike was called by an order of the interna-

tional union. At a vote of the convention of the international union held in Boston it was signed, but there was no distinction then as to who are the parties. We then were in this position, of course, not being lawyers, the cloak makers' union, acting through the board, and the international officers, were one body, but fortunately we had a lawyer come into the situation, and the first thing he did was to come before the manufacturers' association and raised the question as to who were the parties with whom we had to deal, and then there was a hullabaloo about it, and the question of whether the international union was to deal, or a joint board of the cloak makers, and we had wrangles, and we had fights up to to-day.

Commissioner O'CONNELL. Is there any possibility of the protocol arrangement being broken off at all? I ask you that, because a gentleman in the hotel told me there was a possibility of the whole thing ending in a day or two, that it might be broken up.

Mr. DYCKE. Everything is possible in this world.

Commissioner O'CONNELL. I do not mean in that sense, but there is the liability.

Mr. DYCKE. There are influences at work, and there is an agitation carried on in the newspapers by certain parties that the protocol is a farce, that it is a bad proposition, that it is all for the employers, and this is done as much as everything else, to bring about that great dissatisfaction with the protocol which exists at the present time, and to which Mr. Rosenberg referred.

Commissioner O'CONNELL. Well, in your opinion, what is there behind that desire to break that off; is there any justifiable reason or is it a whim of somebody?

Mr. DYCKE. No; absolutely.

Commissioner O'CONNELL. I do not want to put you in an embarrassing position by asking these questions.

Mr. DYCKE. I do not know.

Commissioner O'CONNELL. It is not compulsory on you to answer it.

Mr. DYCKE. I would say that the protocol is based on the idea of conciliation. I do not want to bring in personalities, but I believe the whole trouble is caused by a certain person whom the union was unfortunate enough to import into this situation. And he, in my opinion, is incapable of performing his function of mediation, but he wants to mediate, and, of course, they have the mass with him. And I understand the manufacturers refuse to deal with him, and there is the possibility of this protocol being broken.

Commissioner O'CONNELL. The personal opinion is that along the lines of the predecessor the protocol has been of service to all parties concerned, employer and employed, and is still possible in that respect?

Mr. DYCKE. It is full of errors and mistakes and troubles, but it is still an improvement over the one we had, and that is all we expect.

Commissioner BULFINCH. I would like to ask you this question: The wages of the present pressers and cutters, what are they? About how long does it take a person of ordinary intelligence and reasonably young to learn any one of these trades?

Mr. DYCKE. The presser—you see there are various grades in the industry; some of the lower grades one can do pressing in a couple of weeks, but in the highest grade it requires years. It applies to almost every branch of it.

The CHAIRMAN. Is there anything more which you claim to be of interest, Mr. Dycke, that you care to submit? Do you want to say anything about the effect of this protocol on sanitation?

Mr. DYCKE. If you care to listen to what I have to say in the way of improving the protocol. If you think it would be of any use, I would express my opinion.

The CHAIRMAN. Yes; I would like to hear about that.

Mr. DYCKE. I think one of the weaknesses of the protocol is that it is indefinite. I believe the union should enter into an agreement with the manufacturers for a specified date—two or three years. Under the present existing conditions it is indefinite; any person or officer who is engaged in performing his functions under the protocol, or who is qualifying for the job, all he has to do is to raise a rumpus and tell them, "You are the slaves of the protocol." There is no stability to the protocol. If we had an agreement which has a specified time, say three years, then we would know there could be no agitation for a general strike. That is to say, during three years we would have a rest, and the trade would not go to other cities, as there is always a danger when there is an agitation against the protocol, to carry the spasmodic agitation among our

members, and the trade of New York City is injured by it. Buyers are pledged to supply orders, but if it specified for three years and the giving the parties three months' notice, if they want to change, to negotiate different terms, then at least we would be free from this constant agitation among our people by certain disgruntled parties, and there are always disgruntled parties in any organization of 50,000 or 60,000 people, against this organization.

Commissioner O'CONNELL. You talk of taking the trade out of the city. Has the protocol resulted in having that effect?

Mr. DYCHE. Not yet; but I have seen it go on for this last five or six weeks, and it certainly will have.

Commissioner O'CONNELL. Are the New York rates under your agreement or protocol higher than the rates outside of New York?

Mr. DYCHE. Most decidedly.

Commissioner O'CONNELL. The employer who ordinarily worked under open-shop conditions a year or years ago, does he now, under the protocol, send his goods over to New Jersey?

Mr. DYCHE. Yes.

Commissioner O'CONNELL. Does the protocol protect the other manufacturers in any way that a member shall not do the same sort of thing—that the union provides that its members should not go in and work under the rate?

Mr. DYCHE. You mean all the out-of-town shops?

Commissioner O'CONNELL. Supposing you and I are employers, we enter into a contract to pay so much. We would pay on the same basis, but I would slip out quietly and go to Philadelphia and have them made quietly.

Mr. DYCHE. If you did it quietly, the protocol does not provide for Philadelphia.

Commissioner O'CONNELL. Does it prohibit a manufacturer who is under the protocol and paying a price in New York from taking his goods to Jersey and having them made for a dollar or fifty cents?

Mr. DYCHE. Through an opinion expressed by the board of arbitration, an employer can not do it.

Commissioner O'CONNELL. And what do they do with him if he does?

Mr. DYCHE. They fine or expel him from the association.

Commissioner O'CONNELL. The reason I ask is that Mr. Rosenberg spoke about it.

Mr. DYCHE. There are two other points from which we suffered before 1910 which have been abolished, and one is the need of giving security for a job. Prior to 1910 in order to keep a job we had to give the employer security, and another evil which we were working under was the irregularity in the payment of wages. I will give you an illustration of my case. I was working for one of the largest houses in the United States, doing a large catalogue trade, and advertising their goods in various magazine, and so on, and there besides getting badly paid we were required to wait sometimes three or four days before we got our pay. We would be told, for instance, that pay day would be on Tuesday. We would come on Tuesday and would wait half an hour, and then we were told that the pay was not made out, and "You should go home and come to-morrow." On Wednesday we wait until sometimes 8 o'clock, and then my turn would not come. They would not pay any more. So 100 or 200 would be left, or 50 would have to wait for Thursday. Sometimes on Thursday, as it happened, the superintendent stated he had no time. So we would come on Friday, and I had to wait several times, four evenings, four nights in the week waiting for my pay. After the strike of 1910, under the protocol, the union has abolished it. We get our pay regularly fixed, and that is one of the great advantages with our people.

Commissioner O'CONNELL. And I understand, Mr. Dyché, that practically your opinion of the whole situation is that the fact that you have not had probably still better results from the protocol is because of the interference of certain parties and the democratic ideas of others and the fear that the officials of the union, by coming in contact with the employers, become contaminated in some way. There may be some possibilities of that.

Mr. DYCHE. Yes.

Commissioner O'CONNELL. But it is hardly possible, and with the probability of extending the protocol in certain lines, and the improvement of it in certain lines, it can be made still better than it is?

Mr. DYCHE. About extending the protocol, I wanted to tell you we have just now had a strike in Philadelphia. That strike was lost. During the

strike one of the representatives of the Government, or at least outside of that, several parties tried to intervene, and proposed the protocol, and they said, "What is the use of signing the protocol? Why, in New York City the protocol is going to be broken, and we have refused," and they said "The protocol is a bad thing; it gives them no stability, and it always threatens strikes, and as a matter of being ruined we would rather be ruined by having the union than have a protocol."

Commissioner O'CONNELL. Has the word "protocol" a peculiar taste in the employer's mouth? Does the word mislead them? "Protocol" instead of an "agreement" or a "contract." Would not they understand that better?

Mr. DYCHE. Probably the manufacturers' side will tell you all about my idea, because I believe I am accused of being in the pay of the manufacturers.

Commissioner HARRISMAN. You said "employers"; were you speaking of the employees?

Commissioner O'CONNELL. The word itself is in a way misleading; are they kind of suspicious of the word?

Mr. DYCHE. Through this constant agitation which has lately been carried on against the protocol it has become very obnoxious.

Commissioner O'CONNELL. And the word itself—lots of people ask what does "protocol" mean? They do not seem to understand. They are ordinary people who are not familiar with the English language. Those in the trade would have some idea it was misleading or deceiving or something—the word itself. It would not be so plain to them probably as the word "contract" or "agreement."

Mr. DYCHE. I do not suppose the word itself—

Commissioner BALLARD. I understood you to say that about 2,000 manufacturers are in the business in New York.

Mr. DYCHE. Two thousand shops.

Commissioner BALLARD. In New York City proper?

Mr. DYCHE. Yes.

Commissioner BALLARD. How many employees?

Mr. DYCHE. Fifty thousand, probably.

Commissioner BALLARD. What about these persons whom you say can learn to be cutters and pressers in about two weeks?

Mr. DYCHE. They start as helpers.

Commissioner BALLARD. And when they become cutters do they all receive the same wages?

Mr. DYCHE. Some of them get above the scale—those who are extra efficient; the extra efficient get above the scale, but the scale is the minimum.

Commissioner BALLARD. It is supposed to be a minimum, and the employer can pay more if he wishes.

Mr. DYCHE. In the cutting trade they have a law which requires three years of apprenticeship; before that he is simply a helper, and gets less than the scale.

The CHAIRMAN. It is the wish of the members of the commission present that they will hear Mr. Hourwich first after they reassemble.

Mr. DYCHE. Can I go?

The CHAIRMAN. I thought you were through. Excuse me.

Mr. DYCHE. I am simply asking you if you have any more questions?

The CHAIRMAN. I thought you were through, and I was going to adjourn.

Commissioner O'CONNELL. There are no more questions.

Mr. DYCHE. Have you any more questions?

The CHAIRMAN. It is hardly worth while to take up any more now.

The commission will take a recess until 2 o'clock. Mr. Hourwich will be here then, please.

(Whereupon, at 12.20, the commission adjourned until 2 o'clock p. m.)

AFTERNOON SESSION.

Met pursuant to adjournment at 2 p. m.

The CHAIRMAN. Gentlemen, I think we can start, although there are only two representatives of the commission present, but it is all a matter of record, and what they do not hear they can get from the record. I want to call Mr. Dyche back to the witness stand for a few minutes. Mr. Dyche, will you take the stand?

TESTIMONY OF MR. JOHN A. DYCHE—Continued.

The CHAIRMAN. Mr. Dyche, on your testimony regarding the matter of attorneys in connection with the protocol and in connection with the whole matter that has to do with the relations between the manufacturers and the ladies' garment workers, the statement you made was very general in character, and I thought I would ask you if you desired to add anything to it or to make any additional statement regarding that phase of your testimony?

Mr. DYCHE. When I was speaking of the difficulty that we had in dealing with the manufacturers by reason of the intervention of lawyers, of course, I was alluding to the difficulties which I should say, 99 per cent of them, were trade difficulties, and so the lawyer did not understand them; he does not understand the nature of the trade, he does not understand the psychology of the people with whom he deals, and therefore he does not understand the method of adjustment, and he injects always the question of arbitration rights, and in that way complicates the situation. Of course, when the question comes before a court of arbitration where finally it is boiled down to a matter of rights, as sometimes it does, then, of course, the lawyer may be helpful; but this is an exception. As I said, 99 per cent of our difficulties are trade difficulties and what I would call psychological difficulties. You know we are engaged in manufacturing ladies' garments. It is a very troublesome industry, because we are making garments for women and everything pertaining to women is full of trouble and strife and difficulty, and we found that the injection of lawyers has been a hindrance rather than a help.

The CHAIRMAN. Let me say right here, that if in the testimony of any witness there appears something that anyone here considers, directly or indirectly, in any way a reflection upon himself or upon his profession or anything of that kind, if he will let the chairman know, he will be given an opportunity to be heard. I want to ask Mr. Dyche another question; What effect does that immigration into the port of New York have upon the continuity of favorable relations under this protocol between your organization and that of the manufacturers?

Mr. DYCHE. In this way, that it results in what I would call a shifty population. The large influx of immigrants makes the problem of the union so much larger to absorb them and to train them to American methods. The great majority of them come from Russia; a large number of them have been engaged at home in fighting autocracy, in fighting ukases of the Czar, and to a great many of them even obeying an order, even though the order comes from the union, is repugnant to them. Some of them make no distinction between an order of a business agent and the order of gendarme; people engaged in fighting obedience to the Czar are not ready to adjust themselves to have to obey a union law, because to them all laws—at least, they have been at home engaged in fighting laws and all of a sudden they must obey union laws, and I say this complicates the problem of making work and carrying on the problem with so much more difficulty. Of course, difficulties are not insurmountable, because most of the people are amenable to reason and they are ready to listen to the advice of the leaders, provided they have faith in the leaders. Of course, if a situation arises where the honesty and good faith of the leaders is attacked, naturally the opportunity of getting discipline at all is almost impossible.

The CHAIRMAN. Shortly after their arrival, how are they toward standing for the price fixed by your organization?

Mr. DYCHE. Well, most of them do stand for the prices.

Mr. LAUCK. With regard to these immigrants, are they not usually willing to work for half, or less than the rate fixed by the protocol?

Mr. DYCHE. Not as a rule.

Mr. LAUCK. Do any serious difficulties occur in that particular feature?

Mr. DYCHE. No; we have found them at least a class of immigrants that were very ready to organize and insisting upon standards being maintained.

The CHAIRMAN. Mr. Dyche, do you wish to add anything further?

Mr. DYCHE. May I add to some of my testimony as to the nature of the difficulties we are working under with the protocol?

The CHAIRMAN. Go ahead.

Mr. DYCHE. Our people are suffering from a good many evils, but I should say that most of them are not due to the protocol, but it is quite outside, from other causes. Many people come to me and tell me about the suffering they have and undergo in the protocol shops, and when I ask them, Are the condi-

tions in the nonprotocol shops, independent manufacturers, any better, they admit that they are not; they say it is not so; in fact, so far I have not heard it stated by anybody that the conditions in nonprotocol houses are any better.

This confirms my contention that a great many of the evils we are suffering are outside of the protocol, and no amount of tinkering with the protocol will alter it. It is due to the nature of the industry itself, seasonal fluctuations, etc., but the great defect of the protocol to my mind is that 80 per cent of our people are pieceworkers, and the protocol makes no standards for pieceworkers. We have standards for week workers, and the fact is we have but very little trouble in adjusting difficulties with week workers; but when you come to pieceworkers—you have heard about these complaints, about these constant changes of styles, that require constant adjustments of prices, and there is consequently constant friction in the shops. There is to-day more or less adjustment, and this adjustment is a great cause—I should say of at least 90 per cent of the trouble we have with the manufacturers is due to the fact that the protocol left no provisions for any standards of piecework. We have this also: A manufacturer very often sees for a particular garment that he has to pay \$5 for the making, whereas his next-door neighbor can get it out for \$4 or \$3, and the result is that he goes to work and tries to get his work done cheaper outside. As it is, it is left to each shop price committee, and the manufacturer comes to the conclusion that the price committee has been too stubborn with the prices, and the moment the manufacturer finds out that his next-door neighbor can get a similar garment done cheaper he tries in every possible way to get it done cheaper, and very often he succeeds in getting rid of those people who have tried to maintain higher prices.

The result is we have a great deal of what I should call discrimination with some of them, which no amount of tinkering with the protocol will settle. Manufacturers will find ways and means, and you can not stop them by getting rid of these people who want higher prices. These people will naturally use discrimination, and it is not possible at times to find it out when it is used. I am perfectly satisfied that so long as you have a condition of affairs where one manufacturer can get his work done 20 to 25 per cent cheaper than another for his garments he will get it.

The CHAIRMAN. Do I understand that if there are two firms on Fifth Avenue of exactly the same class—I mean in the same class as to quality of goods turned out—that there has been no centralized effort to secure practically a uniform price for piecework in those two firms?

Mr. ROSENBERG. My conviction is that you can not get it; that it is physically impossible to get it. There has been some effort made in standardization lately, I understand; some method has been adopted of trying to adjust it, but my impression is that it will be futile work. My contention is that you, until you can get the cloak trade on week-work basis will have this trouble whatever you do. Our trade is too complicated, and the amount of labor you put in one garment and another, although outwardly it looks very much alike, yet the mechanic would soon find out the differences.

The CHAIRMAN. It is regulated in some trades; for instance, in Mr. O'Connell's trade. Supposing there are two pieceworkers working on machine work of the same class, on piecework, the same kind and class, they are paid the same price?

Mr. DYCHE. In the same factory?

The CHAIRMAN. Yes.

Mr. DYCHE. Yes.

The CHAIRMAN. And the same in my trade.

Mr. DYCHE. Yes. But if two manufacturers working, different firms making the same garment, in one factory an operator will get 10 of the same kind at the same time, but in the next factory he will only get perhaps 5 of the same kind, and the result is that the man who gets 10 of one kind will make 30 per cent more than the other, the price being the same.

The CHAIRMAN. The difficulty comes in the output, then?

Mr. DYCHE. Yes. But when the price committee enlists to make the price they don't know how many of this particular garment they are going to get in; usually they get 10 in a bundle, and if there are only 3 in a bundle they will only get perhaps \$1 or \$1.50 a day, whereas with 10 in a bundle they can make \$3 a day.

The CHAIRMAN. Is that all, Mr. Dyche? Anything else you want to offer?

Mr. DYCHE. No; nothing else at present.

The CHAIRMAN. Now, the commission desires to call some of the members of the joint board representing the union. A number of names have been submitted to me and several different lists, and they are not marked, and the chairman is uncertain who belongs to that joint board and who do not. I have here G. M. Wislenski. Is he a member of the joint board?

A VOICE. No.

The CHAIRMAN. Is Sam Martin?

A VOICE. No.

Mr. HOURWICH. I am chief worker and secretary of the union. May I make a suggestion, Mr. Chairman, that you call upon Mr. Cotler, who is a clerk of the union?

The CHAIRMAN. All right, we will call upon Mr. Cotler.

TESTIMONY OF MR. PEREZ COTLER.

The CHAIRMAN. Mr. Cotler, what is your position in the union?

Mr. COTLER. Recording secretary, Local No. 1, Operators' Union.

The CHAIRMAN. Are you a member of this joint board?

Mr. COTLER. No; I am not a member of the joint board.

The CHAIRMAN. I do not know whether you were or not. What do you know regarding this protocol and its work in connection with the union, and give us your story just as you want to give it yourself?

Mr. COTLER. I can say a lot about the protocol and about the effect on the relations between the union and the manufacturers.

Commissioner O'CONNELL. Just go ahead in your own way and tell us the entire story in your own way.

Mr. COTLER. I know that the protocol in general should be good if it would be workable, but the position they put it in is unworkable altogether. It is unworkable because they do not give us an answer to our troubles, to our complaints. If the conditions in the trade are now better than they were before, it is not on account of the protocol, but it is on account of the general strike that we had. The general strike bettered the conditions, but the protocol did not at all.

The CHAIRMAN. Talk more that way, Mr. Cotler. We can hear you here, but the people out there can not. Turn your face in their direction.

Mr. COTLER. The object of the protocol was that the conditions of the contentions should be fought out any time and the strike should be maintained always as long as the protocol will exist, unless the protocol can prevent it, and the protocol failed to do that, and after three years and a half since we have had the protocol we have had four victims of the protocol; we had four clerks, and all of them were victims of the protocol and none of them would stand it any longer. And we will have the victims on one side or the other side, because the protocol the way it works now no clerk will be successful if the protocol be not amended. The function of the protocol is that no discrimination on the part of the working people—that is, against the working people—shall happen, but in fact the protocol protects the manufacturer when he wants to discriminate against the people, and it never protects the people when they are discriminated against. I will give you just one story and you will see how it works.

There is a firm by the name of Stratton. It happened that they had for a foreman there one who was formerly a scab agent, a scab, and so on; he was the foreman there. His habit was to insult the people and insult them very badly; so it happened that the people made complaint to the firm about him before, and the firm had never paid any attention to it; but once the people stopped their work it was different. And when the people stopped their work the firm did not complain to the union and did not complain to their association of their stoppage of work, but they promised them that if the foreman did not behave in the firm in the future they would send him away. Well, a few days later the foreman insulted a girl so badly that she got hysterics. The people went to the firm and asked them to live up to their promise and send away their foreman, and the firm would not listen to it, and they stopped work; and when they stopped work they were discharged; and after they were discharged none were taken back except those the firm selected. They selected a few—the people who did not complain and who were satisfied with any price given to them. The fact is that when the foreman insulted people no action was taken against him to protect the people, but when the people took a stand they were all discharged. And knowing that they are all Italians and that they are very

hasty, instead of trying for a few days to keep them, and have a meeting, and tell them the matter could be straightened out, they did not give them that chance. Instead of that, they give them until to-morrow afternoon, and they must sit down to work, and then they will have a complaint; and they had the experience as soon as they sat down to work, they had the experience that they would never get respect, because it will come before the board of grievances, and they would never have a chance; and so the thing remained as it was before.

Now, here is another case: According to the protocol our people do not have to strike; they do not have to stop from their work; if they do so, the union must instruct them to go to work, and if not the manufacturer discharges them. It happened in one place that there were 8 operators and 9 cutters, 1 a machine cutter. They had work for 100 to 120 machinists; and they asked them, "How much do you want for a jacket?" And they said, "90 cents." The manufacturer asked would they take 50 cents; and if they would not take 50 cents he would send outside. Well, they did not give them work for two weeks, and the 9 cutters were cutting steady and the work was sent out. And according to the laws and regulations you say all the contractors should be registered, but at the same time they send work outside to people that we never know, because all the contractors are not registered; and the moment we want to find out if a manufacturer is registered they make it difficult for us to find it out. So it seemed that our people were for two weeks without work; they were not giving them a piece of work; they were cutting work and sending it out outside, and our people were locked out for two weeks of their wages, and the protocol did not protect them a bit.

The CHAIRMAN. How was the protocol to blame for that?

Mr. CUTLER. I will tell you. When we come to the board of grievances we always had a tie vote, and the manufacturer always votes for their side, and our people always vote for our side, and the situation remains the same as before. We are always the complainants—we always complain—and we remain with the complainants; and they are always satisfied, because the manufacturer, if he wants to get his satisfaction, he simply fires the men out; he gets his satisfaction when we are looking for our rights, and we don't know where to get them in the board of grievances. We know we can never get justice, and we never did get justice. When our clerk and the clerk of the association agreed in the shop that the men shall sit down to work, even in that case we did not get justice; but when our clerk told them, "If this is the case, I will go out through the public and see about it," even in that case, when your own representative admitted that we were right, in that case you did not give us justice, when this argument was brought to them by the decision of their own clerk; and if we want to apply to the board of arbitration we can never get them. The board of arbitration meets once in a year or once in two years; so our complaints have been piled up and have piled up little by little, and now we are in the face of a big mountain, and we can not jump over it.

A statement was made before this morning that the better class of our people are in favor of a protocol. I say it is not so. I say that the most intelligent people of our union are against the protocol, but they are agitating to maintain the protocol because they believe that there is coming a time when all our people will understand what is good in the protocol and what is not good, and then they will go out and demand that the protocol shall be amended. The best of our people believe, and they find out and they feel that the protocol gives no protection to them but it always gives protection to the manufacturer.

Here is another case which I will tell you. I was at the time I speak of in a shop where the manufacturer had 127 machinists inside, and he had work for the 127 machines inside, and they had never had to send out work outside, and still he had his force of cutters, and he began to work and send the goods outside, and his machinists not working, and still they did not give a chance to work inside and all the work was sent outside at that time. When he was asked why he did so he said he got the work outside done cheaper. We never were able to locate where that work was sent out. And once he brought in specials; he said he had an order and he wanted to settle the price of a garment, and we told him the price of the garment would be 75 cents, and he said he would only pay 55 cents, and we said we would not take it. The next day he comes, and says: "Boys, I have a special here, a special order, and you must make it up for it is a special," because it is a special we must make it. They said: "You told us we must take all the specials, and if we had any complaint we can go before the board of grievances." When he brought in the gar-

ment I saw it was the same garment he had the day before, and he wanted to settle it as a special, and I said: "If this is the case, when you are sending out the stock, send out that special, we don't want to make that special"; so we were called to our union and the union ordered us that we must make that garment, because if we did not the manufacturer would lose a customer; and that was the last day of November, the last day for me to touch work.

Another time was after not having a stitch of work inside of two weeks, we were compelled to do that work, and as soon as we did that he took off 100 machines in order to get rid of these people, and left in about 20 machines and picked out some men of his own, and when we wanted to stop work to compel him not to make this special order, in order to give us the other work, we were compelled by the union to do it. Well, I was on the work, I was sergeant, the man with the big stick, and I said to them: "Boys, we must work because it is the order of the union," and when they asked me afterwards what will be done with us, what can happen afterwards, because they make nothing, well, I had nothing to answer them, and I don't know what to answer the people when they come to me and ask me the same question, because I know this situation has created a dissatisfaction since the strike up till now. The first winter after the strike the conditions were better, but since that time the conditions are getting worse and worse, and I don't know where we will get. We had the first time, the first work after the protocol, was a man in our ranks that we had full confidence in, Mr. Sam Polycarp—he is a tailor by trade, understands it all right, but he is not a lawyer, so he did not study the protocol as far as I did, so he tried to do his best, but when he felt some harm was being done to our people, and he did not have any legal arguments to use, so he cried. He said: "You are doing us harm, and I don't know where it is;" so they did not want him, they said he was impolite. You see he is only a tailor, and if he is a tailor we can not get rid of him. He used the methods of a tailor and not the words of a lawyer; he used the language of a tailor and I suppose he was very excited and I presume they did not want him.

When we had the next clerk he read up on the protocol and he said: "Why, the protocol protects us as much as the employer. The only thing is the protocol shall be made workable," and he showed us the protocol has leakages and he wanted to patch them up; so the manufacturers said they did not want him. They said that the protocol would be good; the only thing was it had leakages, and they ought to be fixed here and there; so they refused to have anything to do with him and he was sent away.

The third one was Mr. Dyche, our general secretary, and he had that job of the Stratton case and some others. He believes that mediation is the best. We don't believe in it, because we have had mediation enough; we have had mediation to an extent so that our people are going out by the thousands into the street, and the best of our people are discriminated against; so, before the protocol, if a good man was kicked out of a shop, he had a chance to go to the next place and get a position, but now the manufacturers are against him; and if a man is said to make trouble, although he claims he has not been making trouble, if he is working for a price and if he is protecting his work, if he is protecting a presser, or whoever it is, that this is the case about, if a shop journeyman wants to protect the people in the shop he is kicked out and he can not get another position, because they telephone from one to the other about him, and they ask who he is and they tell each other, and he can not get a position; and we have thousands of people who can not get positions because they are blackballed. Of course, if we can show he is blackballed, it is all right, and the clerks will assist us to put him back in his place; but you know the telephone company has no records to show. Take, for instance, when a man has been sick, and he is going out to work and he has been to a place and asked for a position, and he is told: "Come next day and you will get it," and next day he comes and he is told there is not any vacancy, and we know what it means. We feel it; all of us.

The CHAIRMAN. I understood Mr. Rosenberg to say this morning that you have about 4,000 cases that have come up in one form or another, a large number. How, in the main, have those cases been settled?

Mr. COTLER. I will tell you. As soon as we know—the trouble comes out before the case comes up before the board of grievances, or before it is adjusted, a week or two, say, in the height of the season, the man loses a week or two before it comes up in the board of grievances, and when it comes up we don't know whether he will win it or not. Our clerks know it, and they know that if one of our men loses his position two weeks in a season, and the

season lasts seven or eight weeks, if he loses two week of his living, it seems they know the effect. They settle in the shop, or wherever it is; they don't care whether it is justice or injustice, they try that the man shall remain in the place, and they give in to anything, because they know they can not get justice higher. On the other hand the clerks of the association know it, too; they know they want to have on record not that we win cases, but to have on record cases that we were right does not suit. You see it does not do for them to show we were right on this case and in this other case we were right; they don't want to have that on record. So, as soon as they see that one of our people is right and he will come before the board of grievances, where we will get justice and we will go on record that we are right, they will not let it get to the board of grievances, and instead you will see marked on record, "Case adjusted." That means that they did not want it before the board of grievances and did not want to have it on record.

The CHAIRMAN. Well, do you mean to inform us that the clerk representing the union and the clerk representing the employers are desirous of keeping these cases away from the board of grievances?

Mr. COTLER. No; I say our people, our clerks, are compelled—if our people would not be human beings, and we would think that the protocol is the last word of importance to settle trouble between capital and labor, we would say our people are only figures in the movement, and we don't care for that. Let us get the sufferers, so that they will have statistical cases, and they don't want them. If they would take the policy to have our people suffer in order to get proofs against how the protocol is working, we would have piles and piles, all the cases we would have for proofs; but our people are human beings and they want to make a living, and we can not have them suffer on account of the protocol. I can not think the protocol is the best work.

Commissioner BALLARD. Does your protocol provide that if a man or a woman is discharged unjustly they shall be compensated?

Mr. COTLER. We tried once to have it, and I think a rule was accepted that if a man has been discharged, and he is in the right, he shall be paid for it; but we waived this rule for the manufacturer to have to pay for lost time. If we insisted on the manufacturer paying for lost time we would never win a case.

The CHAIRMAN. You say you will never win a case?

Mr. COTLER. No; he would never give in if he would have to pay for it.

The CHAIRMAN. Do you mean by that you never win a case because of the protocol?

Mr. COTLER. I wish we did; but I say it is black on white all the time. The man is not in a position to help himself. It happened last time, when both clerks agreed, it means both clerks agreed that the workmen had the right. What does that mean? It means that even the clerk of the association agreed, and he found out that the man was right, and then they decided, both clerks decided that the man was right, and he must go back to work, and even that time the manufacturer appealed from the decision, and when it was brought before the board of grievances, they were arguing five hours, and then our clerk used this argument: "Even now when your clerk admitted that we are right, if even now you will not admit, you will go out to the public and say nothing doing any more." Then after five hours' arguing they agreed, both clerks agreed.

The CHAIRMAN. That last presentation would seem to indicate to us that you feel that the manufacturers are not living up to the protocol?

Mr. COTLER. Absolutely.

The CHAIRMAN. How have most of these, the large number of cases, been disposed of; have they been disposed of so it was reasonably satisfactory?

Mr. COTLER. I think I explained it before. Our clerks tried to agree on each and every thing because they know if they will not agree, our people will suffer, so they must agree and must take care, because our people are human beings and must live, and so they must agree. But if every case would come up before an impartial man the cases would look different.

The CHAIRMAN. Well, what would you recommend to eliminate this trouble?

Mr. COTLER. I would recommend that the board of grievances shall be amended and that in order that we shall get justice, whenever we have a grievance—because when the manufacturer has a grievance he uses up his rights, the only thing he does, he discharges his man, or he sends his work outside, and he keeps our people on starvation wages, so he has satisfaction, he has no grievance; if he has a grievance he does it himself, he is his own prosecutor,

he is the judge, he is the district attorney, and everything; but we have no board of grievances and nobody, and in fact, we have no board of arbitration. The board of arbitration is to the effect that in future he shall not look for his rights; our union consists of individuals, we consider every man as an individual, and if every one of our people was five or six weeks in a place and did not get work, and waited for the season to come when he could get work, and he is used to that place, and when there is a price committee and he wants a certain price, and he is discharged it means he has lost everything, and he has to go now and look for another place—and you must remember that our work is not like the work of builders; for instance, in the building trade a man may work one day on a building on Fifth Avenue, and the next day he may work on a building on Cherry Street, it is the same work—a different class of work, perhaps, but the work is the same; and then on the same day he may work half a day in one building, and the next half a day in another building. But it is not so with our people. Sometimes it takes our people weeks and sometimes a season to get used to a place, and if he is thrown out in the beginning of a season he loses that season.

The CHAIRMAN. Has there been any more discrimination since the protocol than there was prior to that time?

Mr. COTLER. Prior to the protocol, the manufacturer never fired a man [laughter], he never fired the whole shop I mean; he fired the men. He might fire a man but he found a new place.

Commissioner BALLARD. You want to convey the idea that now under this system when a man is discharged he is practically blacklisted?

Mr. COTLER. Yes.

Commissioner BALLARD. Don't you think manufacturers without a protocol, with a sort of adjusting agreement, could carry on the same system practically?

Mr. COTLER. Before we were not and now we are.

Commissioner BALLARD. I suppose you did not notice it so much before?

Mr. COTLER. Before we were not organized and they were not.

Commissioner BALLARD. Then, when a fellow was discharged and went about his business he had nobody to complain of.

Mr. COTLER. No; he was discharged and went out and got work; but I don't know whether we shall accomplish as much as in a strike, and the idea of the protocol was that everything we got in a strike should be maintained.

Commissioner O'CONNELL. How do you propose to amend the protocol?

Mr. COTLER. We want an impartial man, who shall adjust our differences.

Commissioner O'CONNELL. You don't catch the idea. Suppose you wanted to amend it; if you gave notice of six months or a year can you do so?

Mr. COTLER. The first thing is to amend the board of grievances, and to amend the board of grievances to the effect that there shall be an impartial man there.

The CHAIRMAN. Suppose you wanted to change the prices for the cutters; how would you go about that?

Mr. COTLER. I think, now, and this is not a foolish thing to say for the protocol, it is old—that is, it is without any limitation of time; it means that the way the standard is now it ought to remain for always, and it happened that the pressers said that the prices that they had three years ago they can not live on now, and we must have in the protocol that it shall be for a certain time, or there shall be a clause in the protocol that from time to time we shall come and ask for amendments or ask for improvements, or it shall be for a certain time. We don't know whether it is for 10 years; they can prepare this and we can prepare this and see if we can get along.

The CHAIRMAN. Who is there here that can tell us how they propose to amend the protocol?

Mr. JULIUS HENRY COHEN. I can state that.

The CHAIRMAN. Will you do so?

Mr. COHEN. The rules adopted by the board of arbitration in 1911, a copy of which you have in book of reports 98, provides for requests for conferences by each side. The union can at any time request a conference. Last May the union requested a conference for some 14 amendments to the protocol. These amendments were discussed for nearly three weeks in sessions that covered two or three volumes in the record. Upon some of the points an agreement was reached and the protocol is now amended as a result of that agreement. Among some of those points is a system of trying to standardize these prices you have heard about to-day. If the points in controversy with a party are deadlocked

an appeal lies to the board of arbitration, and there is now pending before the board of arbitration several of the amendments, some of which involve increases in wages, and some changes in machinery. The further matter you have heard spoken of here to-day, the very question of an impartial chairman, is now pending before the board of arbitration, and the board of arbitration appointed Mr. Ing as an impartial person to investigate as to the board of grievances and Winslow as an impartial person to make a statistical inquiry. That work is not yet completed. I would suggest to the committee that instead of hearing about isolated case, if they would examine the results of the careful statistical inquiry that has been made, they will get at the matter more quickly.

Mr. COTLER. In regard to what Mr. Cohen has spoken of now as to the conference here is the result. We complain that we can not get justice at the board of grievances, and we wanted to have a remedy. Of course, we know that as soon as our people find out that they can not get any answer on the question of their grievances, the prices fall down and down on the piecework; first, the week workers are able to give a statistic of how much they earn. Well, they can not do it for pieceworkers up to now. We did not have it, and we are not in a position to bring it up to the board of arbitration. Besides with the week workers, the pressers, they can not make a living with the wages they are getting or with the wages they got five and a half years ago, and they decided that they must get a raise in wages at the same time. I believe that the standard of living for pieceworkers is higher now than it was three years ago, just as it is for the week workers, and at the same time if we wanted to get a remedy in order that our prices should fall down they did not help us. And you know what they are doing now about the standardizing of prices? Yes; we see it. They are trying to take off or set down 30 per cent of what they paid before on the pieceworkers; they are trying systematically in the shops, and every shop, to get off the price for the pieceworkers since they resisted the prices for the week workers, and if they can not do it inside they will send the work outside.

The CHAIRMAN. Those are things the people feel, but in regard to the big question of the protocol, in regard to avoiding strikes, etc., does that appeal to you?

Mr. COTLER. Yes; if it be workable, but it has no handlers to carry it.

Commissioner O'CONNELL. Well, if we put handles on it?

Mr. COTLER. I think so.

Commissioner O'CONNELL. Two or three?

Mr. COTLER. Two is enough.

Commissioner O'CONNELL. You believe that handles can be put on?

Mr. COTLER. The trouble is that as soon as a man comes to understand the business and he sees here and there a leakage, then that man is no good.

Commissioner O'CONNELL. Who says he is no good?

Mr. COTLER. The other side says he is no good.

Commissioner O'CONNELL. But you are equally represented, aren't you?

Mr. COTLER. Yes; but they are always the prosecutors and we are always the complainants.

Commissioner O'CONNELL. In that case, if that be the case that you are always the complainers, you have the same power that they have.

Mr. COTLER. The only power is to stop their work and this is provided by the protocol.

Commissioner O'CONNELL. And the only power they have is to close the shop down or send their work somewhere else?

Mr. COTLER. It seems the protocol up to now—that the association has gone up; they have doubled the number of members; and, although there are independent manufacturers, it seems it pays them to be in the association.

Commissioner O'CONNELL. One of the gentlemen spoke about going back to the individual with the employer. Do you find that?

Mr. COTLER. No, sir; our people will never go back. I say the trade can not go back to the old condition of their bodies as they were without the protocol; our people will die for it.

Commissioner O'CONNELL. They will have a contract?

Mr. COTLER. Even with a contract you can not get them to work longer than they do now.

Commissioner O'CONNELL. They are now educated up.

Mr. COTLER. They are now educated up, but we have now another element more than we had before. Years ago we had another element, and now we have another. Our element now is as soon as they claim they have something

you can not get it back again. Then it is theirs, and you can not take it away until you kill them first. Now, our people won't work after 6 o'clock; they will not carry bundles home, with or without the protocol; they will remain the same, even in one place or in another place; it will not make any difference; they remain the same; it don't amount to anything.

The CHAIRMAN. How many hours did they work before 1910?

Mr. COTLER. In some places as much as now and in some places more; they worked more at that time, but now they feel they are not used to work as long as they worked before; and you know it is much easier to get used to an easier life than it is to go back to a worse condition.

Commissioner O'CONNELL. What do you believe about this general talk that has been going around the city and in the newspapers that there is going to be a breaking off?

Mr. COTLER. If they go even as far as you tell us, who shall represent us? This is, I believe, the element—I made a remark before that we had four clerks, and all of them were victims of the protocol. I believe now that everyone who will try to carry it out will be the victim if he will stand for our side, and if he tries to get for our people everything under the protocol that is coming to us he will be a victim on the part of the other side.

Commissioner O'CONNELL. Do you mean to say your employers are now trying to say who shall represent you?

Mr. COTLER. You see we have had four clerks victims already—three of them by the association and one of them by our own people, because he has a different opinion from the opinion of our people, from the opinion that they have now, and that is our secretary, Mr. Dyche. Our people did not want him, and the association did not want him. You see the situation is the men can not have anyone. Even if you bring the best man in the world, he would be a victim to one side or the other.

Commissioner O'CONNELL. Whom do you mean by "our people"?

Mr. COTLER. The working people.

The CHAIRMAN. What has this protocol done for you in the way of sanitation? What improvement has it made in that direction, if any?

Mr. COTLER. Well, it made good; but I don't believe this is the only cause of the protocol. Of course we are installed, and we have now more sanitation in the individual shops. Not only the protocol—the protocol shops are sanitary already, but they are not union shops. The Union Suit & Cloak Co., I don't believe there is a better sanitary establishment in the trade, but there are union conditions there. What is the good of the sanitary conditions if there are no union conditions? Sanitary conditions would not give us bread.

The CHAIRMAN. All right, Mr. Cotler, I want to hear from the president of the joint board, Mr. Alpine, I think his name is. Is the gentleman here who was called?

A VOICE. He is not here, Mr. Chairman.

The CHAIRMAN. Then, if he is not here I am going to call Mr. Winslow, if he is here.

Mr. WINSLOW. Mr. Chairman, I have sent for the records and they will be here shortly.

The CHAIRMAN. Are you going to have them here in a short time?

Mr. WINSLOW. Yes, sir; I have sent for them.

The CHAIRMAN. Is Mr. Perlstein here?

Mr. PERLSTEIN. Yes, sir.

The CHAIRMAN. Will you take the stand, Mr. Perlstein?

TESTIMONY OF MR. MEYER PERLSTEIN.

The CHAIRMAN. Before you start in, Mr. Perlstein, we have raised no question about the gentlemen wandering far afield, but I wish you would endeavor to explain to the commission the workings of the protocol as well as you can; your experience in carrying it out, as a member of the joint board; its effects on the trade as to wages, hours, and conditions of labor; and what appears to you to have been the result of the adoption of that protocol, so far as the interests of the people you represent are concerned. You are secretary of the joint board, are you not?

Mr. PERLSTEIN. Yes, sir. I believe that the protocol signed in 1910 has brought or helped to bring about better conditions in this trade. I believe that the protocol has helped the manufacturer better to understand the union man, and the union man better to understand the manufacturers. It brought about

that both sides should be able to come together and to settle their daily troubles, avoiding strikes and lockouts. It is true that the protocol has some faults that ought to be amended, but you must understand the situations in our trade. We have in our trade 2,000 manufacturers and 50,000 workmen. Our trade is a season trade, and every season prices ought to be settled in the different shops, and the controversies in the shops should be avoided where in some shops the same garment can be settled at a dollar and in other shops the same garment and style can be settled at 80 cents, because the manufacturer who gets better union men, men who are trying to get the better classes, if he knows his neighbor is trying to get the better of these union men, who will settle his prices at a cheaper rate, it makes trouble. These are the main troubles in the trade. The protocol brought about in the second year of its work, the manufacturers and the workers should come together and they should try to come to some understanding and to work out some plan how these things can be avoided, and I think if this thing should be avoided we would not have so many discrimination cases as my friend Brother Cotler spoke about.

There is another thing. There are some manufacturers in the association, and also independent manufacturers, who would try to get rid of the union, with the association of the protocol, and this is the same trouble; but the protocol as a rule, I believe, is a very good instrument, as far as the working of the union with the manufacturers is concerned.

The CHAIRMAN. Do you find the conditions as to the earnings of the members as good or better now than they were before this agreement was had?

Mr. PERLSTEIN. I believe they are now much better than before.

Commissioner O'CONNELL. Do you think there is any steadier plan of employment under this plan than the old plan? Are the people earning greater—are the total earnings greater?

Mr. PERLSTEIN. Well, I don't think so; I think it is on the same basis as before.

The CHAIRMAN. That is, as far as steadiness is concerned?

Commissioner O'CONNELL. Yes.

The CHAIRMAN. What are the particular things as to which you believe this protocol could be changed?

Mr. PERLSTEIN. The trouble comes in sometimes that we have cases for adjustment, and we have deputy clerks and also a board of grievances. It happens that sometimes the clerks can not agree on some case, and the case is brought before the board of grievances, and the board of grievances sometimes disagree. It is true that in some instances the board of grievances gives an answer on the troubles; but in other instances the board of grievances disagrees, and I think if we had some impartial man who would decide the disagreement most of the troubles would be avoided.

The CHAIRMAN. What are the duties of the joint board that you are secretary of? How do they have relation to this grievance board?

Mr. PERLSTEIN. Well, according to the explanation of the arbitrators, they are the real party to the protocol, and the International union are the guarantors of it.

The CHAIRMAN. They represent whom—this joint board?

Mr. PERLSTEIN. They represent the 50,000 workers affiliated in the different local unions.

The CHAIRMAN. That is, they are elected from each local union?

Mr. PERLSTEIN. Yes; five men from each local union.

Commissioner O'CONNELL. Are they elected by general vote of the membership?

Mr. PERLSTEIN. Yes; some elected by the membership and some the local union sends its delegates to the joint board.

Commissioner O'CONNELL. Have you had many cases that have come up to the board that you have disapproved of yourself and would not take up, and that you thought it was not warranted taking them up?

Mr. PERLSTEIN. Yes; I want to mention one case that the previous speaker mentioned; that is the case of J. C. Stratton. I believe the trouble with J. C. Stratton happened that neither the firm nor the union men agreed to the rules of the board—of the protocol. Mr. J. C. Stratton was one of the employers who tried to avoid some trouble in his shop by going into individual agreements with his employees. It happened also that people in the shop were discharged. It happened about three weeks before the people stopped work, and according to the rules of the board of grievances, it is not permitted, and the firm not agreeing, I think the two clerks of the association tried to adjust this matter,

and they settled that their employees should sit down to work. The second time they stopped, and the union came to them and told them to sit down to work, and they refused to obey the union, thinking that the firm would settle the trouble individually.

Commissioner O'CONNELL. That is merely a local case; both parties might have been in the wrong in not accepting the protocol.

Mr. PERLSTEIN. No, sir; the protocol as a rule has nothing to do with these small cases.

Commissioner O'CONNELL. Do you think you have as many or less cases now since you have had the protocol than you have had before?

Mr. PERLSTEIN. We have had more cases. The general strike was prior to the protocol, and before the general strike we had no organization—or we had an organization, but it was very small and we had no trouble; we had no members and we had no trouble.

Commissioner O'CONNELL. That is easily understood. Is it not a fact, however, that you have now an organization and have got a protocol and that the men feel more justified, and hence they come forward with the grievances now?

Mr. PERLSTEIN. Possibly.

Commissioner O'CONNELL. Hence the protocol has built them up?

Mr. PERLSTEIN. Positively. The union has brought them up to this stage that any trouble in the shop comes to the union.

The CHAIRMAN. How long have you been in work here?

Mr. PERLSTEIN. In New York?

The CHAIRMAN. Yes. How long have you been in the trade here?

Mr. PERLSTEIN. About 11 years.

The CHAIRMAN. Now take these matters of the discharging of men or women, whether there were more reinstatements when you were unorganized or had shop rights promiscuously than there are now, or whether there are more now than then?

Mr. PERLSTEIN. Before the strike, when a manufacturer discharged a man he had to go and look for a cloak job and he had no one to complain to, and now he has found an opportunity to complain, and now there are more complaints. Before that strike, where there was no union, a manufacturer used to give his men 50 cents for a garment which was worth a dollar, and if he did not like it he told him to go for another job. Now, when the workman demands a dollar for a garment and the manufacturer wants to give him 50 cents, and he won't work for it, the manufacturer has no right to discharge him on account of that. But before the strike the manufacturer had a right to hire and discharge him any time he pleased, and there was no one to complain to or to take care of those workers.

Commissioner O'CONNELL. Then you have standardized the prices now; at least, you are doing so gradually, if not entirely so under the protocol, which it was not possible for you to do under the other situation of affairs?

Mr. PERLSTEIN. It is positively now better.

Mr. LAUCK. You said sometimes the manufacturer wanted to pay 50 cents where the workman wanted a dollar?

Mr. PERLSTEIN. Yes.

Mr. LAUCK. Who decided the prices?

Mr. PERLSTEIN. The way the thing stands now it ought to be decided.

Mr. LAUCK. Is there a board?

Mr. PERLSTEIN. No; there is no board; we are trying to establish who shall settle, one on the part of the union and one on the part of the men.

Commissioner O'CONNELL. If a manufacturer fixed the price of the hobbie skirt that is coming up, and he fixed the price at \$2, and the man wanted \$4 for it, if the manufacturer said: "I won't pay any more," would he have to take the price under this condition?

Mr. PERLSTEIN. No; the people are not working, and the employer did not make his orders. It is true some of the employers have tried to send out their work to another place to be done cheaper, and in most instances the employer does not make the garment, and sometimes he gets the people together to settle it. The truth of the matter is when the employer needs to send out his orders, he would not care for 5 or 10 cents, he will come together with his men then; also his people want to make a dollar, and they are trying to come together in some way; but a better machinery ought to be established for the settlement of prices.

The CHAIRMAN. Can you give us an idea in a case like this: Suppose there are 100 people working in a shop, and the percentage comes under the weekly

scale that is worked by your protocol, can you give us an idea what percentage comes under the piecework for which the protocol makes no provision?

Mr. PERLSTEIN. Seventy per cent piecework and 30 per cent week workers.

Commissioner O'CONNELL. There is an agreement for the pieceworker to be paid by the piece, isn't there?

Mr. PERLSTEIN. There is an agreement for week workers, but not for pieceworkers.

Commissioner O'CONNELL. No amount for pieceworkers?

Mr. PERLSTEIN. No. In slop shops they are making as much as \$20 a week, and in other slop shops they are making as much as \$5 a week.

Commissioner O'CONNELL. Do you have much complaint over that?

Mr. PERLSTEIN. Yes, sir; and very much discrimination over that. I mean discrimination not from the association as a whole but from the individual manufacturers.

The CHAIRMAN. Are you ready, Mr. Winslow, now? Is Mr. Winslow there? What other representative of the joint board is here? We are willing to hear these men—we are willing to hear them, but if there is no one here to answer for them we will go on; that is all.

Mr. HOFERWICH. Mr. Chairman, may I be permitted—

The CHAIRMAN. No, sir; not now. You will be given all the opportunity you want to be heard. Are there any members of the joint board here?

Mr. LEADER. Mr. Chairman, I know about the joint board.

The CHAIRMAN. All right; we will hear what you have to say about it. Will you take the stand?

What is your position, Mr. Leader?

TESTIMONY OF MR. MORRIS G. LEADER.

Mr. LEADER. Mr. Chairman, I am the manager of the Children's Cloak & Reefer Makers' Association.

The CHAIRMAN. Now, give us your experience with carrying on the organization under this joint agreement—this protocol, so called.

Mr. LEADER. Well, the protocol as a whole, in fact, has improved the conditions, and it is such that it has eliminated strikes. It gives the opportunity to organize the trade; only the individual members have suffered a good deal through the fussing about the protocol. In other words, unfair manufacturers, unscrupulous manufacturers—and there are quite a number of them—which take advantage of being members of the Cloak & Suit Manufacturers' Protective Association, and discriminating and discharging, and not having the whip of a strike, and therefore individual members, many of them, have suffered a great deal for the last three and a half years, and this is the main trouble we have now.

The CHAIRMAN. Have they suffered because of the existence of the protocol?

Mr. LEADER. They have by settling prices; and if they were very active to get a fair price for the work—we have had a fair price list—no work, no money; the individuals were entirely discharged, and, consequently, a man with a little will power had to give up the job to be an active member of the price committee; and, in fact, in many cases the union had a hard job to get members on the price committee, because a man when he takes the job on the price committee it is considered that he takes also his job in his hand.

Commissioner O'CONNELL. And you have a committee in your union that adjusts prices?

Mr. LEADER. Until now we have not. My organization, the Children's Cloak & Reefer Makers' Union, have not fully 10 per cent working in protocol shops. The balance are working in independent shops, where the union sends direct a man to settle prices, and consequently there is no discrimination, because the people are not so active in settling prices, and there is no prejudice from the employer to the employee because the representative of the union is enforcing and standardizing the prices and endeavoring to succeed in having a standard of prices. In other words, the 10 per cent of the shops at these 6 factories they employ about 500 members, the standard of prices in the protocol shops in some cases are lower, because here the employers are stronger. The employee is the one who has to sell his hands for bread and butter, and he is afraid he will lose his job. Consequently, the prices in these 6 factories that I mentioned before—the prices are lower than in the independent shops.

Possibly if we would have people direct from the union settling prices, just as a lawyer represents his client, we would not have the bad blood that we have now, and this is the remedy I suggest. It is true that on the grievance board, which I happen to be a member of, in some cases we are at a deadlock, actually a deadlock. The employer—it took him weeks to find out he lost the case, and this is the main reason that organization is now in effect in the hands of those people, and it has accumulated for three and a half years, so this is not sudden.

I am of the opinion the protective association are fair men, and they have a number of manufacturers who are unfair, unscrupulous, just as we have bad people, too. Only all bad people are not able to do as much to make the conditions worse, like the employer.

The Protective Cloak & Suit Manufacturers' Association have members with it who have affiliated with the protocol. The fact is this: From 150 members of the association at the time we signed the agreement, of 120, I believe, they have now about 300. That is quite a good protection for the employers joining the association, and this is no strike; and if the people are active in settling prices and try to get a fair price. By the way, gentlemen, I want to call your attention to the fact that our trade constitutes 80 to 85 per cent piecework, 20 to 15, week work, and consequently it is constantly a bargaining between the operator and the employers. There are so many styles, and actually they made the men so disgusted that you find after three and a half years of the operation of the protocol that a number of people have an idea, probably, why, I do not know, that they would be better off at least if they could express their feelings and stop from work, and now they are not in a position to do it.

A number of manufacturers are not dealing in good faith with the union. They used to call our attention to the fact that their prices are lower. In these outside factories we used to try to standardize, on the one side, and on the other they were creating them. That there was a game in which the employer had the best of it in my opinion, because I am able to judge, having 90 per cent of the people working in independent shops, union people and 10 per cent under protocol conditions, and I know what I am talking about. The unfair employers brought about unfair conditions; in other words, it would be better that the protocol should be out of existence. You find to-day, gentlemen, more submanufacturers' contractors than we had prior to 1910, and they were created in bad faith by the employers.

The CHAIRMAN. Is there more work made under the contractor system now than there was before 1910?

Mr. LEADER. A great deal. Every one of them is cutting down his plant. You take, for instance, the cloak industry. If I am not mistaken, we have here \$200,000,000, by no means less, still every factory site is decreasing their plant, out of town and Brooklyn, downtown, where the sanitary conditions are gross compared to the Fifth Avenue shops, and this is the charge I make as to the unfair employers. They are protected, and the other people can not strike to protect themselves. We compel them; we have to tolerate it. There is no work; we have other prices. The bundles are going into the other factories.

Commissioner BALLARD. Is the work in the other factories done cheaper?

Mr. LEADER. It is done cheaper. I will explain how. A certain house, having two or three styles, they are in a position to cut larger bundles, where the workingman, as a rule, is not making smaller wages, only the employer gets him to work cheaper; it is through the keen competition created. As regards the employers of the association, and I know many of them personally, if they are very sincere, it is their business during the three and a half years, instead of increasing the evil, to decrease it.

Commissioner O'CONNELL. Were you one of the gentlemen who were interested in the drawing up of the protocol?

Mr. LEADER. No, sir; I was not. I was a member of the general strike committee, and I was not a member of the drawing up of the protocol.

Commissioner O'CONNELL. When the question came up there of having a board for the purpose of adjusting wage disputes and adjusting the prices, was that question never brought up and put into the protocol?

Mr. LEADER. Yes; it was brought up many times. It was discussed many times. I want to call your attention to the fact the protocol was drawn up and at the time of the strike it was a restless time. Even in the Constitution of the United States, there is room enough in that for a number of

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amendments. There is room enough for many amendments, not one, but five or six, and we are handicapped all around.

Commissioner O'CONNELL. Under the present machinery of the protocol itself, do you imagine it can be amended?

Mr. LEADER. Oh, yes.

Commissioner O'CONNELL. Under its own construction?

Mr. LEADER. Oh, yes; provided the employer will act in good faith.

Commissioner O'CONNELL. That is a measure you can not figure in figures upon, but the protocol itself will permit of a proper amendment to bring about proper working conditions, as you describe?

Mr. LEADER. In my opinion.

Commissioner O'CONNELL. We will take it for granted that the employers will be as fair in the matter as the unions; if not, there ought to be means to punish them, the same as the members who violate it.

Mr. LEADER. But at present it is not provided. The employers have not disciplined their bad members as we have—they have not.

Commissioner O'CONNELL. Have you had members reinstated by them, and when you found it was a just case, they were reinstated?

Mr. LEADER. I was not personally dealing with that. I was only a member of the grievance committee for nearly a year's time, and as an officer of the joint board, I know all of the details.

Commissioner O'CONNELL. Do you know of many cases like that?

Mr. LEADER. Reinstating? Well, of course. There were a number of reinstatements, but that is not a question of the job. It is bread and butter. Sometimes even the man was reinstated.

Commissioner O'CONNELL. I am going to follow it up. If they were reinstated, were they paid for the lost time?

Mr. LEADER. I do not remember. I do not know really if they were paid or not.

Commissioner HARRIMAN. Mr. Leader, you say the employees were handicapped in trying to get amendments; how do you mean they were handicapped?

Mr. LEADER. In getting to the grievance board. In fact, the most important cases were deadlocked. Here is the idea. The employer discharges a few men. His business was on. The few men were out. There were no wages and we were not in a position to call a strike, because this would be a violation of the protocol. In many cases the employer discharged six, and three were to be reinstated, and three to be discharged, and consequently three have suffered, and three have lost the job altogether; and in this industry, as in any other industry, if a man is accustomed to a shop, it takes him some time to get used to another, and then, in making these styles, if he makes a certain garment, he makes it in half the time of the first one. By losing the job, if he gets another one it means almost ruin. It is not like a bricklayer or a carpenter making a garment. It takes some time to be an expert, and each factory has certain styles, and by losing the job, it means losing the season's trade—his season's.

We have a fall season and a spring season, and the seasons are very short.

Commissioner BALLARD. I understood there were about 2,000 employers in the trade in New York, is it, and you say 300 to the manufacturers' association and about 50,000 employees, and how many belong to the association?

Mr. LEADER. To my knowledge the association employers—they employ from 50 to 55 per cent.

Commissioner BALLARD. Why don't those employers belong to the manufacturers' association?

Mr. LEADER. In some cases the employers will not accept them and some are too poor to pay the initiation fee and the dues, \$350 or \$400.

Commissioner BALLARD. As a general thing, do these 300 employers who belong to the manufacturers' association treat your union as well as the others who do not belong to the manufacturers' association?

Mr. LEADER. They are treated as well, but if it comes to discrimination, they are not treated as well as by the independent shops, because the independent manufacturer is afraid of a strike, and therefore he will not appear to discriminate, whereas the man in the association is afraid.

Commissioner BALLARD. So, take it all in all, you do not see much difference?

Mr. LEADER. The difference is this: by not having strikes it gives the chance to the independent manufacturers, who are compelled to behave themselves, having that 50 or 55 per cent; in other words, all the important manufacturers

In the trade are going hand in hand with the union and the independent manufacturers, they must be good.

Commissioner BALLARD. Are these 300 the largest ones, as a rule?

Mr. LEADER. The largest; yes, sir.

The CHAIRMAN. Let me ask a question which none of you touched upon directly: What effect does the protocol have upon the maintenance of organization by the workmen?

Mr. LEADER. In my opinion very favorable, because they do not occupy our time in having so many strikes, and they are able to work our organization, and the machinery of the union is more at peace, and they are able to conduct organization work, and prior to the time we had a protocol they were all that time being busy in strikes and lockouts, and the organization was all the time restless, and now we have peace.

Commissioner BALLARD. So the protocol, though imperfect, is a good thing?

Mr. LEADER. Oh, yes, there is no question about it. I am a great believer in the protocol.

The CHAIRMAN. Do you want to ask any questions?

Commissioner HARRIMAN. What do you consider the weakest points about the protocol?

Mr. LEADER. The discriminating between people and bad faith, by creating submanufacturers, who give out the work down town or out of town.

Commissioner HARRIMAN. Discrimination of what?

Mr. LEADER. Discrimination, or discharging the people, or having the people in the factory and not giving them work, because 85 or 80 per cent are piece-workers, and it is constant bargaining, even in the beginning of the season, and while they do settle our prices every week, we have new styles. If an employer will see that a man is very active trying to get his rights, and getting a good price, that man or a group of men will not stay very long in a factory, and then again, opening shops, direct or indirectly, where the goods are going in to other factories and people are waiting in the factory, and they have a printed price list, and there are no bundles going out of the shops.

Commissioner O'CONNELL. The opposite of that is a very strong side, it prevents strikes and lockouts?

Mr. LEADER. Sure.

Commissioner O'CONNELL. There ought to be a happy hunting ground between there to settle the differences?

Mr. LEADER. Yes, sir; I agree.

Commissioner BALLARD. You say it takes so long to get to the committee on grievances?

Mr. LEADER. Yes; and not the only thing, but from my knowledge of important things there there is a deadlock—5 and 5. The manufacturers were firm and the representatives of the union were firm.

Commissioner HARRIMAN. What percentage of the grievances get up to the board of arbitration?

Commissioner BALLARD. I am not in the position. I was a member, I believe. You will have a chance to hear our chief clerk. He will give you the percentage.

The CHAIRMAN. That is all, Mr. Leader, unless you want to ask any more questions. Has Mr. Winslow returned?

Mr. WINSLOW. Yes, sir.

TESTIMONY OF MR. CHARLES H. WINSLOW.

The CHAIRMAN. Mr. Winslow, what position are you in as regards the cloak-manufacturing business in the city as regards the manufacturers and the employees?

Mr. WINSLOW. Mr. Chairman, I was asked to conduct an investigation of the conditions in the industry with reference to the wages and grievances.

The CHAIRMAN. And you have made that investigation up to a considerable degree, have you, entirely?

Mr. WINSLOW. You mean with reference to the grievance-board workings?

The CHAIRMAN. Yes, sir.

Mr. WINSLOW. Yes; very nearly completed.

The CHAIRMAN. Will you tell us the number of the cases and the classes of the cases and what has become of them and such matters as may be helpful to us, and the rules and regulations that govern the board?

Mr. WINSLOW. Yes, sir. There is a set of rules and regulations governing the board of grievances, adopted in April, 1911. Those are included in the Bureau of Labor Bulletin 98.

The CHAIRMAN. Those are in there [indicating book in Mr. Winslow's hand]?

Mr. WINSLOW. Yes, sir. There have been 7,556 cases adjusted from April 15, 1911, to October 13, 1913. Of that number 179 cases have been before the board of grievances. The number referred to the board of arbitration was 20. However, that means that in the Columbus Day case, so called, there were 12 cases, 12 firms involved, making only 1 case. That is the number, sir.

The CHAIRMAN. Have you a classification to say a certain number goes to unfair discharge or alleged unfair discharge? The number for bad conduct, for instance; the number for other things; is it all classified?

Mr. WINSLOW. Yes, sir; there is a very full classification.

The CHAIRMAN. I suppose you can not give us each one separately?

Mr. WINSLOW. I could if time permitted, Mr. Chairman.

The CHAIRMAN. What?

Mr. WINSLOW. I could, sir, if time permitted.

The CHAIRMAN. All right.

Mr. WINSLOW. They are divided into a great number of classes, some 23 classes or more.

The CHAIRMAN. Let us have them.

Mr. WINSLOW. You mean those that have been before the board of grievances?

The CHAIRMAN. Yes.

Mr. WINSLOW. The classification of grievances on the part of the unions that have been considered by the board of grievances were: Discrimination against individuals, 27; alleged wrongful discharge, 21; nonpayment for legal charges, 13; paying under agreed scale of wages, 13; nonprotocol conditions in shops, 9; claim for wages due, 8; dispute in price making, 6; inside subcontracting, 3; duplicates made by the week, 3; irregular price settlement, 3; shop lockout, 2; nonpayment for Jewish holidays, 2; changing piece prices during the season, 2; noncompliance with the terms of the adjustment, 2; cutters working by the hour, 2; ill-treatment of employees, 2; unequal distribution of work, 1; week worker discharged in the middle of the week, 1; samples made by piece, 1; unregistered contract shop, 1.

Those are all on the part of the union.

On the part of the association: Shop strike, which is known as a stoppage of the work, 43; interference with conduct and discipline in factory, 4; complaint against shop treatment, 4; dispute in price making, 3; week worker leaving in the middle of the week, 1; union refusing to apprentice cutter, 1; noncompliance with terms of adjustment, 1.

Making a total of 179 cases.

The CHAIRMAN. Does your investigation show in a way how a large number of cases that did not go to the grievance board were disposed of? Did you go into that at all?

Mr. WINSLOW. I have not yet stated the cases that were disposed of by the clerks. That is a very large study.

The CHAIRMAN. Yes.

Mr. WINSLOW. Out of those 179 cases, Mr. Chairman, there were 9 disagreements. Those were, of course, taken to the board of arbitration.

Commissioner O'CONNELL. How many cases went up to the board of arbitration?

Mr. WINSLOW. Nine disagreement cases.

Commissioner O'CONNELL. Out of a total of—

Mr. WINSLOW. Of 179.

Commissioner O'CONNELL. One hundred and seventy-nine?

Mr. WINSLOW. Yes, sir.

Commissioner O'CONNELL. How long is that since the protocol has been in existence?

Mr. WINSLOW. That is since the establishment of a board of grievances. Prior to April 15, 1911, there was a committee on grievances, but the records are wholly inadequate to get the material. This record is from that time to the 31st of October, 1913.

Commissioner O'CONNELL. And you are now making an investigation as to the wages paid, and the seasonal occupation, and so on, in the branches of the industry. Will you give us the benefit of that?

Mr. WINSLOW. The material for that, Mr. Chairman, so far as the field work is concerned, is about completed, but the compilation of the matter is not completed. I could not offer any testimony with reference to that.

Mr. JULIUS H. COHEN. Mr. Chairmau, may I ask Mr. O'Connell to ask the witness to tell what that is.

Mr. WINSLOW. Nine cases were, and what they involved?

Commissioner O'CONNELL. Yes. Will you answer that, Mr. Winslow?

Mr. WINSLOW. You mean the names of the firms?

Mr. COHEN. The record of the cases, the nature of the cases.

Commissioner O'CONNELL. The record of the cases; what the cases were.

Mr. WINSLOW. Eliminating the Columbus Day controversy, the board of grievances deadlock, only in matters of great importance. The nature of the grievance was as follows:

Stoppage of work and lockout, 4; discrimination and wrongful discharge, 2; irregular price, 2. There were 2 cases known as Jaffe and Katz; the records are so involved—they relate there were 9 cases, but the records show 8 cases; but the records are so involved on this that this other case must be included.

The CHAIRMAN. How often does the board of grievances meet?

Mr. WINSLOW. Well, Mr. Chairman, the board of grievances, in accordance with sections 7 and 8 of the rules of procedure, is to meet as follows:

"The board shall meet regularly as designated, and at appointed times and places once a week. The meetings may be postponed by mutual consent, and records of such postponement shall be recorded on the minutes. Special meetings of the board shall be called only in cases of emergency, or where prompt or immediate action is necessary, and may be called by the chairman of either side."

Prior to the month of February, 1912, the board of grievances met at irregular intervals; the chief clerks on either side whenever a contingency arose could demand the board to meet immediately or within 48 hours.

The CHAIRMAN. Do you think that rule is ample to cover—

Mr. WINSLOW. There have been some 40 meetings of the board of grievances. The CHAIRMAN. Do you think that rule is ample to cover the necessary work of that board?

Mr. WINSLOW. It would seem to so indicate.

Commissioner O'CONNELL. You have heard some of the gentlemen who have appeared before us criticize the inactivity of this board, and the slowness of this machinery to move, and so on?

Mr. WINSLOW. Yes, sir.

Commissioner O'CONNELL. What is your impression of that criticism, or that feature of it?

Mr. WINSLOW. It would seem to me, Mr. Chairman, that there was no necessity for regular meetings, inasmuch as the board could be called together in 48 hours.

The CHAIRMAN. How long has a case been pending before that board; have you that?

Mr. WINSLOW. How long have they been pending?

The CHAIRMAN. Yes.

Mr. WINSLOW. Some of the deadlock cases have been pending for weeks.

The CHAIRMAN. How long since the Columbus Day, 1912?

Mr. WINSLOW. 1912?

The CHAIRMAN. Is that still pending or is that settled?

Mr. WINSLOW. That is settled, sir.

Commissioner O'CONNELL. How long will it take, for instance, if a man were discharged in a shop to-morrow, and in 48 hours would they get this board together—get it ready?

Mr. WINSLOW. They have the right to get them together in 48 hours.

Commissioner O'CONNELL. How long ordinarily does it take to get the case adjusted?

Mr. WINSLOW. It does not usually go to the board of grievances. It goes to the clerks. The clerks settle those cases whenever possible. However, the procedure for the settlement of grievances comprehends stoppages of work, and price settlements take precedence over other cases. A man may complain of discrimination this morning, and his case may be put over until to-morrow or next day. It is very difficult to get at the time consumed in the settlement of cases. Many cases are settled as of to-day, and the records are not made for weeks. The cases are not assigned by the clerks before a week, hence it is difficult to find out how long.

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Commissioner O'CONNELL. As a maximum how much time could they kill—everybody if they wanted to and get through—in accordance with the protocol?

Mr. WINSTON. That is a very difficult question to answer.

Commissioner O'CONNELL. You say the committee is allowed 48 hours there. Go along and tell us how long it will take to get the case off their hands?

Mr. WINSTON. The usual machinery is that the complaint is registered in the morning at the office of the manufacturer and the clerks are designated to take up that case immediately, and they go out to the scene of action and endeavor to settle the case. If they fail, the case then goes to the chief clerks of the board of grievances and they endeavor to settle the case. That might take another day. If they fail to settle the case, the case goes to the board of grievances itself. Now, the machinery there means that they might designate two of either side to reinvestigate the case. If they reinvestigate the case and disagree, it could go to the board of arbitration, and then it is a matter of some days before the board of arbitration can be gotten together; in general, that is the machinery.

Commissioner O'CONNELL. It is a matter of some days; how many days can they hold off there without getting the case through?

Mr. WINSTON. Going clear to the board of arbitration?

Commissioner O'CONNELL. The whole machinery. I wanted to see whether the hobble skirt has gone out of existence while we are getting through all this machinery. [Laughter.]

Mr. WINSTON. I should say four or five days, Mr. Chairman, going up to the board of arbitration.

Commissioner O'CONNELL. Going up to the board of arbitration and getting through would take two weeks; if they were waiting to kill everybody, it would take a couple of weeks to get up there. That is the general complaint of the men, that there is no action on their cases; and the men get discouraged and they are afraid to bring up their cases because of delay, and so on, and would rather forget about it and go off and get another job. What I want to get at is, is their complaint real? If it is, the protocol ought to be so arranged, or the machinery ought to be got closer together or new cogs put in the wheel, or make it move faster—another gear put in or one taken out, if there are too many.

Mr. WINSTON. I could venture nothing of that sort, Mr. Chairman.

Commissioner O'CONNELL. Or another high-speed one put in?

The CHAIRMAN. From investigations of the decisions rendered by the grievance board, does it appear that the issue was squarely met and decided, or is it a matter of compromise; do you care to answer that?

Mr. WINSTON. There is never a disagreement on fact, Mr. Chairman—the cases that come up to the board of arbitration, if that is what you are getting at. The testimony has been deduced which shows that there has never been any question as to the facts before the arbitration board.

The CHAIRMAN. The people indicate, from what they have stated here, that the decisions are not satisfactory; what is the matter with them? From your study, have you discovered anything fundamentally the matter with them?

Mr. WINSTON. I have no knowledge, Mr. Chairman, of the dissatisfaction, any further than the records show. The records, of course, would not show any dissatisfaction?

Commissioner O'CONNELL. Any disagreement, when it comes up to the board finally as a disagreement, what becomes of it then?

Mr. WINSTON. It goes to the board of arbitration.

Commissioner O'CONNELL. Goes back again?

Mr. WINSTON. The disagreement comes first to the board of grievances, and then goes to the board of arbitration, and it is settled by the board of arbitration.

Commissioner O'CONNELL. That is the finality of it, probably?

Mr. WINSTON. Yes.

Commissioner O'CONNELL. Who is the board of arbitration?

Mr. WINSTON. Mr. Brandeis, Dr. Wild, Mr. Hope.

Commissioner O'CONNELL. They are provided for there—a standing board of arbitration?

Mr. WINSTON. Yes, sir.

Commissioner O'CONNELL. In all cases?

Mr. WINSTON. Yes, sir.

Commissioner O'CONNELL. How much time can they occupy in the final—is there any limit of time?

Mr. WINSLOW. No limit to their time at all.

Commissioner O'CONNELL. No limit to their time at all.

The CHAIRMAN. Under the rules, how often can they be called in to pass on grievances?

Mr. WINSLOW. The board of arbitration?

Commissioner O'CONNELL. Yes.

Mr. WINSLOW. At any time, as I understand it.

The CHAIRMAN. For instance, could they pass upon any subject matter that had not gone through the hands of the clerks and then through the board of grievances; it must go through those channels before it can go to them?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. Would they ever have the handling of matters like the fixing of prices for piecework; would that kind of a question under any circumstances be able to get to them?

Mr. WINSLOW. Under the provisions of the protocol the committee's price is fixed in the shop, by collective bargaining, between the manufacturer and his group of workers, the workers being represented by the price committee.

The CHAIRMAN. Yes; and that is not a question that goes out of the shop?

Mr. WINSLOW. Usually not.

The CHAIRMAN. As your investigation would indicate?

Mr. WINSLOW. Usually not.

Commissioner O'CONNELL. From what I understand this morning, the employer has a right to dicker with the individual?

The CHAIRMAN. No; I think you are mistaken; that is the shop committee, I think.

Commissioner O'CONNELL. I was of the impression that there was a committee.

The CHAIRMAN. When you found the records of the deadlock in the grievance board, what seemed to have caused that deadlock?

Mr. WINSLOW. Of the nine cases, Mr. Chairman, I should say it was more or less the question of motive rather than the question of fact.

Commissioner O'CONNELL. Have you any knowledge of this fact? The men that we had this morning claim the discrimination by men who were active on this committee?

Mr. WINSLOW. I would not know of those cases, and have not made any study recently of the cases.

Commissioner O'CONNELL. You would not know whether that fear of discrimination or discharge made a sort of inactive condition on the part of the scale committee; wage committee, would you call it?

Mr. WINSLOW. I would not know, not with this study, Mr. Chairman.

The CHAIRMAN. Have you discovered anything to lead you to a conclusion that cases have arisen which should have gone to the board of arbitration, and that for some reason or another they have been shoved to one side and have not gone there?

Mr. WINSLOW. No, sir.

The CHAIRMAN. Are you willing to give the commission your views as an investigator as to the workings of the protocol, whether they are favorable or unfavorable to the industry?

Mr. WINSLOW. That would be a matter of opinion, and I should not like to be examined on that question at this time.

The CHAIRMAN. I do not know of any questions I desire to ask. Mr. Cohen, would you like—I am not asking you because you are an attorney, mind you, under the circumstances, but would you like to ask Mr. Winslow a few questions?

Mr. COHEN. I should like to ask him one or two, which, I think, would aid the commission to understand the problem.

Mr. WINSLOW. I understood you to say that there was no disagreement as to facts before the board of grievances.

Mr. WINSLOW. Yes, sir.

Mr. COHEN. So that the cases that went to the board of arbitration were of what character?

Mr. WINSLOW. Questions of principle.

Mr. COHEN. I mean, in general, were they questions of principle or large questions of policy, what one might call questions of protocol law?

Mr. WINSLOW. Yes.

Mr. COHEN. That could only be determined in the last instance by the board of arbitration?

Mr. WINSLOW. As I recall them, sir.

Mr. COHEN. And those cases involved, you say, the Columbus Day cases—those 20 cases—where as to whether or not the Sunday following Columbus Day could be observed by the Jewish workers and paid for; is that correct?

Mr. WINSLOW. That is correct.

Mr. COHEN. And that question could only be passed upon by the board of arbitration?

Mr. WINSLOW. Absolutely.

Mr. COHEN. Now, Mr. Winslow, I think you said under the rule a case had to go through the board of grievances before it went to the board of arbitration; now, suppose there was a hitch in the workings of the board of grievances, is not there a rule which gives the parties a right to directly appeal to the board of arbitration?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. And has not such an appeal been taken before?

Mr. WINSLOW. Yes; I think the Jaffe and Katz case.

Mr. COHEN. And is it not a fact also that where either party has a complaint with regard to the operation of the board of grievances that party has a right to appeal direct to the board of arbitration?

Mr. WINSLOW. So I understand, sir; through the rules.

Mr. COHEN. Is it not the duty under the rules of the clerks of the board of grievances to obey the decision of the board of arbitration and the board of grievances?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. Have not some cases gone to the board of arbitration—some of those eight which involved charges of the employers—that the clerks of the board of grievances had failed to perform that duty in the Jaffe and Katz case.

Mr. WINSLOW. I would not state without going back to the record.

Mr. COHEN. You remember the circumstances of the Jaffe and Katz case?

Mr. WINSLOW. Not that I could repeat them before the commission.

Mr. COHEN. Do you remember the case where the board of grievances was charged for having defended picketing?

Mr. WINSLOW. I recall it.

Mr. COHEN. And you recall that the record filed with the board of arbitration in that case showed the clerk was charged with having condoned and permitted picketing?

Mr. WINSLOW. I remember reading that record.

Mr. COHEN. And you remember the board of arbitration in that case?

Mr. WINSLOW. Yes; that they should have been taken up by the clerk himself, and he had no right to issue an order for picketing.

Mr. COHEN. He had no right to defend picketing?

Mr. WINSLOW. No right to defend picketing.

Mr. COHEN. And another case of a clerk who acted as the editor of the official organ, and in that organ called union men scabs. Do you remember such a case?

Mr. WINSLOW. I recall reading it, but I could not testify to it at this time.

Mr. COHEN. You remember such a case went to the board of arbitration?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. You remember what the board of arbitration is?

Mr. WINSLOW. I can not recall without the record.

Mr. COHEN. Now, Mr. Winslow, as to a time that it takes for a case to reach the board of arbitration, do you recall that in one of those cases the board was convened by telegram within 48 hours after the prices rose?

Mr. WINSLOW. I do.

Mr. COHEN. Is that a fact?

Mr. WINSLOW. I so understand.

Mr. COHEN. I understood you to say, also, Mr. Winslow, that out of the 7,556 cases, all but 179 were adjusted by the clerks?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. Now, for the aid of the commission, will you be good enough to tell what the method is that the clerks employ for getting at the facts of a particular controversy?

Mr. WINSLOW. Go through the steps?

Mr. COHEN. Yes, sir.

Mr. WINSLOW. I thought that I had done that.

Mr. COHEN. Well, do it again; will you, please? I want to ask you some questions based upon that.

Mr. WINSLOW. The complaint is registered usually with the association in the morning.

Mr. COHEN. No; I do not mean the method of procedure. That, you explained. That is that the complaint is registered the first thing in the morning, and the deputies go out and adjust the difficulty. Now, when they get to the shop, what do they do in the shop, with a view of deciding the case? Do they act like judges, or arbitrators, or negotiators and conciliators?

Mr. WINSLOW. Negotiators and conciliators.

Mr. COHEN. What is their primary function in the shop?

Mr. WINSLOW. To get the parties together, to get the manufacturer or the complainant in the case, and try to get at the facts, and get from either side all the testimony that is possible, and upon the effective data endeavor to make a settlement.

Mr. COHEN. Well, do they try the case, as we lawyers try a case in court? Is it a lawyer's job or a mediator's job?

Mr. WINSLOW. It is a mediator's job.

Mr. COHEN. Now, is there any element of temperament that enters into the work of the mediator? Has it got to be a man——

Mr. WINSLOW. Specially provided for that sort of work.

Mr. COHEN. He has got to be specially equipped for that kind of work?

Mr. WINSLOW. Especially equipped.

Mr. COHEN. Suppose he is not especially equipped for the job of mediator and coadjutor, what happens, as you have found from your examination?

Mr. WINSLOW. Well, there is usually more or less turmoil. The case goes back, and the chief clerks undertake the settlement.

Mr. COHEN. Suppose the chief clerk should be a person who did not himself act as mediator or coadjutor, what would happen?

Mr. WINSLOW. I think it is perfectly evident what would happen.

Mr. COHEN. What would happen?

Mr. WINSLOW. It would go to the board of grievances.

Mr. COHEN. Yes; and if the chief clerk were not a mediator or a conciliator there would be some cases before the board of grievances, would there not?

Mr. WINSLOW. That would be the natural deduction.

Mr. COHEN. And more cases for the board of arbitration?

Mr. WINSLOW. True.

Mr. COHEN. Now, if a man approached that situation, from your judgment and knowledge of the situation, Mr. Winslow, if a man approached that machinery with the desire to treat it as a lawyer, to treat it as a proceeding in court all the time, or he was to fight in court like an advocate, would he help the machinery or hurt it?

Mr. WINSLOW. Those are usually human questions and not legal questions.

Mr. COHEN. What is that?

Mr. WINSLOW. The psychology of the worker must be understood in order to adjust the grievance.

Mr. COHEN. Now, Mr. Dyche said something to-day about lawyers having other rights all the time, and if they could get rid of the lawyers the thing would be all right. Suppose you had a lawyer——

The CHAIRMAN. That is not bearing on the testimony that Mr. Winslow is giving.

Mr. COHEN. I understand. I am not asking that as a lawyer, Mr. Chairman, because in this situation I have never been charged with being a lawyer. Now, Mr. Winslow, there are other protocols, are there not, besides the cloak and suit and vest and waist?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. And will you name what other protocols there are?

Mr. WINSLOW. The dress-waist industry, the kinonos and wrappers, children's dresses, and the white goods. A so-called agreement, not a protocol, in the two Boston agreements—protocol agreements.

Mr. COHEN. In the dress and waist situation since the last year has the same machinery been employed in adjusting grievances?

Mr. WINSLOW. In which?

Mr. COHEN. The dresses and waists machinery.

Mr. WINSLOW. Not exactly the same machinery.

Mr. COHEN. In what respect do they differ?

Mr. WINSLOW. The board of grievances in the dress and waist world is a negligible quantity. They have not been as active in the board of grievances

as in the cloaks and suits. There has been a board known as the "immediate action board."

Mr. COHEN. How many cases in the rough, not exactly—how many cases in the rough since the signing of the protocol in the dress and waist industry in 1910 have been disposed of, either by clerks or this committee of "immediate action"?

Mr. WINSLOW. I have the figures, but not here.

Mr. COHEN. Well, give us your best recollection of them.

Mr. WINSLOW. Some five or six thousand cases.

Mr. COHEN. Since the middle of January, 1913?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. That is, about a year?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. What was your position in the Department of Labor, Mr. Winslow?

Mr. WINSLOW. An investigator and special agent.

Mr. COHEN. Were you employed specially to investigate systems of conciliation and arbitration and mediation?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. And you examined such systems?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. Will you please state for the record precisely what your experience has been in that record?

Mr. WINSLOW. I undertook the study of the building-trades arbitration scheme. Prior to that the study of the scheme of Hart, Schaffner & Marx, Chicago.

Mr. COHEN. What would you say from your experience as an investigator of such situations, would you say that this method of adjusting grievances by conciliation worked or did not work?

Mr. WINSLOW. I should say it worked.

Mr. COHEN. Another question. Under the rules—

Mr. WINSLOW. Is this the last one?

Mr. COHEN. I hope so, Mr. Winslow; you are a very fertile witness. Under the rules of the board of grievances is there a definite machinery for improving the machinery of the protocol?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. What is that procedure?

Mr. WINSLOW. The procedure is to ask the manufacturer to go into conference.

Mr. COHEN. Yes.

Mr. WINSLOW. And if the conference breaks down they can go to the board of arbitration.

Mr. COHEN. Has that procedure been followed?

Mr. WINSLOW. It has.

Mr. COHEN. In the cloak situation?

Mr. WINSLOW. It has.

Mr. COHEN. And recently?

Mr. WINSLOW. Yes, sir.

Mr. COHEN. And is your work as head of the bureau of statistics to the board of arbitration—is part of the work being done for the purpose of considering the revision of the protocol?

Mr. WINSLOW. It is.

Mr. COHEN. Do you recall that one of the propositions proposed for the amendment of the protocol was this suggestion of an impartial chairman?

Mr. WINSLOW. I do.

Mr. COHEN. And that suggestion is being considered by the board of arbitration now?

Mr. WINSLOW. So I understand.

Mr. COHEN. And no decision has been reached upon that point, has there?

Mr. WINSLOW. No; they were open-minded, according to the record.

Mr. COHEN. And they were waiting for the result of your examination of the workings of the board of grievances before making up their minds, were they not?

Mr. WINSLOW. I so understand it.

Mr. COHEN. So at the present time this matter is now pending before the board of arbitration?

Mr. WINSLOW. It is.

Mr. COHEN. And the complaint of the representatives of the union here that amendment is necessary is a complaint that something is now being considered by the board of arbitration which should no longer be considered by the board of arbitration, but should be granted without further inquiry?

Mr. WINSLOW. That may be true.

Mr. HOURWICH. Let me ask a question; may I be permitted?

The CHAIRMAN. The Chair will see directly. Is Mr. Rosenberg here?

A VOICE. No.

The CHAIRMAN. Is Mr. Dyche here?

Mr. DYCHE. Yes.

The CHAIRMAN. Do you desire to ask Mr. Winslow any questions?

Mr. DYCHE. No.

The CHAIRMAN. You may ask your question, Mr. Hourwich. You may keep your seat there.

Mr. HOURWICH. I want to know whether Mr. Winslow has classified the cases before the board of arbitration by years?

Mr. WINSLOW. Yes, sir.

Mr. HOURWICH. Can you tell me how many cases were before the board of grievances in the year 1913?

Mr. WINSLOW. From the records that we have here—it is to October 31, 1913—the record we have here shows 13.

Mr. HOURWICH. Consequently, the other cases, 166 cases, were before the board of arbitration from April, 1911, to December 31, 1912; do I understand you correctly?

Mr. WINSLOW. Correctly.

Mr. HOURWICH. That is all.

The CHAIRMAN. That is all unless Mr. Dyche wishes to ask any questions.

Mr. DYCHE. Mr. Winslow, will you tell me of these 179 cases before the board of grievances, what percentage was decided in favor of the union and what percentage was decided in favor of the association?

(Mr. Winslow refers to record.)

Mr. WINSLOW. 68.2 in favor of the union and 31.8 in favor of the association.

Commissioner O'CONNELL. That is 68 cases?

Mr. WINSLOW. There were 120 cases. No, I am wrong. The cases that were filed were—

Commissioner O'CONNELL. The stenographer had better correct that record so there will be no mistake.

Mr. WINSLOW. I can furnish it to you later, Mr. Chairman, but I can not furnish that information to you just now.

The CHAIRMAN. Was that all you wanted, Mr. Dyche?

Mr. DYCHE. Yes, sir.

The CHAIRMAN. Then you can give that to the stenographer before you go, or whenever you are ready with it.

Mr. DYCHE. If you can not give us the exact figures, have you any idea of the percentage?

Mr. WINSLOW. I would not wish to state, Mr. Dyche, at present.

The CHAIRMAN. You can furnish it, perhaps, this evening or to-morrow morning?

Mr. WINSLOW. Probably in half an hour.

(Shortly thereafter Mr. Winslow furnished the following information in reply to Mr. Dyche's question:)

Mr. WINSLOW. The board of grievances had 179 cases before them; 12 of those cases were the Columbus Day cases, which were only equal to 1 case. The disposition of these cases was as follows: Discrimination, 9 cases, 5.3 per cent. In favor of the association, 22 cases, or 13.10. In favor of the union, 32 cases, or 19.04. Dropped or withdrawn, 52 cases, 30.94. Compromised, 53 cases, 31.56. Total, 168 cases.

The CHAIRMAN. Is Mr. Martin here?

TESTIMONY OF MR. SAMUEL MARTIN.

The CHAIRMAN. Mr. Martin, what branch of the trade of cloak workers do you work at?

Mr. MARTIN. The cutting department, sir.

The CHAIRMAN. Tell us, will you, what has occurred, so far as the cutters are concerned, in the way of changes of wages or hours, either for the better or worse since the adoption of the protocol?

Mr. MARTIN. At the time of the adoption of the protocol, the hours of work agreed upon were 50 hours, where prior to the protocol being adopted the general run of hours was 54, excluding the three months in the summer time; and prior to the signing of the protocol the hours of overtime were most any old time; in the fair manufacturers' houses they simply worked two and one-half hours overtime. The wage of the cutter prior to the signing of the protocol, in the fair manufacturers' employ, was \$24; since the signing of the protocol, the minimum rate of \$25 was established. It is being paid in what are termed the fair manufacturers' houses, and we sometimes have to look after it in the fellow that we would call unfair, the fellow who tries to beat around the bush, as the common expression is used; the overtime is paid for at the rate of double time, which existed prior to the signing of the protocol, and since the signing of the protocol we observe what is known as the 10 legal holidays, for which we receive pay, where prior to the signing of the protocol we only observed, I dare say, 9, for which we received pay for some in what I term the fair manufacturers' employ. Since the signing of the protocol, we have eliminated the working of overtime at certain hours of the year. There is no overtime permitted between the 15th day of November and the 15th day of January, neither in the months of June or July, where prior to the signing of the protocol the men used to work at any time—to work at any time of the year—when called upon. Those are practically the principal features I can recall at the present moment.

The CHAIRMAN. What is the sentiment of the cutters toward the protocol?

Mr. MARTIN. The sentiment of the cutters toward the protocol is this: They feel that it has worked to the better welfare of the men, but still they feel that in the signing of it they did not gain much over the conditions they were working under prior to the signing of it, except that the decrease in hours is the main feature; that they can't get away from.

The CHAIRMAN. How about organization? Say, in 1910 and now, is your organization larger now or smaller, or how is it?

Mr. MARTIN. Well, the organization prior to signing—well, I might be more explicit, in this way, by using the term “prior to the strike”; prior to the strike the membership in our cloak division—you know our organization covers six departments, and prior to the call of the general strike we had, I would say, general supervision of the control over the cloak and suit departments and we had a membership of some 1,200, roughly speaking. Since the signing of the protocol we estimated our numerical strength to be about 3,600. Now, we have been gradually decreasing that membership in this way, that wherever we found nonunion men working in the cloak shops we insisted upon their application being filed with us.

The CHAIRMAN. Do you desire to ask him any questions, Mr. O'Connell?

Commissioner O'CONNELL. I was going to ask if the protocol has an influence favorable toward the organization or unfavorable?

Mr. MARTIN. From a general point of view it has a favorable impression upon the men. The features that they look upon with a little bit of distrust, I might say, are twofold; one is the question of the preferential clause. The preferential clause was inserted in the protocol, and it had never been defined in detail, I might say, to a committee of both sides, so that both sides would understand the accurate meaning of what the preferential meant, so that in case of dispute they would understand the situation thoroughly. There have been complaints filed by the cutters' organization on the question of nonunion men being given the preference over union men, and the fact of the matter is that the adjusters deferred every question. But nevertheless, the matter was adjusted in time, but there was a lot of unnecessary argument just the same, and I attribute it, and in fact the rank and file of our organization attribute it, to the fact that it was never clearly defined to the representatives of both sides. The other questions that the men seem to be a little bit weary about is the question of discrimination. You know the cutter's doctrine is that a cutter is employed from Monday to Saturday. That is his contract. We do not allow time contracts between cutters and employers, and the fact that the employers know that they can dispense with a cutter's services on a Saturday, if they should happen to find out—when I say the employers I mean an element of them—if they should find out that the cutter had filed a complaint, he goes eventually—and “eventually” means with two weeks' time, the idea being that some of them are smart enough to realize that if they lay them off on Saturday the complaint is good; the complaint of discrimination will be filed against the house, and they will have to reinstate them, and by tolerating them another

week they get away from that stain of discrimination. Now, while the rate of percentage was not so big, nevertheless it seems to have happened to an element of men who have cried against it quite loudly, and you might say some more radical have taken it up, to some extent.

Commissioner O'CONNELL. Your cutters work by the week?

Mr. MARTIN. Yes, sir.

Commissioner O'CONNELL. Is that generally so, that cutters work by the week, as much as by piece?

Mr. MARTIN. No, sir; always by the week. Such a condition existed prior to the strike in some houses; cutters would work by the week in one place, and they would take a position in some small shop at night, and work piecework there.

Commissioner O'CONNELL. Is there any difference in the rate of the cutter who cuts by machine, the electrical cutter, and the cutter who cuts one piece of cloth?

Mr. MARTIN. No, sir. The man recognized as a journeyman mechanic receives \$25 a week. We have two divisions, one the canvas cutter, who receives \$12 a week, and some who are quite proficient receive as high as \$16 to \$17, but there are very few; but the man where he cuts with the machine, 10 at a time, receives his \$25 per week.

Mr. COHEN. For the purpose of bringing out the machinery, will you ask Mr. Martin about the recent suggestions that the cutters made for amendments to the protocol and the method of procedure with reference to it?

The CHAIRMAN. Mr. Martin, can you answer that?

Mr. MARTIN. The cutters, since the signing of the protocol, have been suffering severely, owing to the fact that learners were being taken in the employ of the manufacturers, whereby, when the slack season would come on, the mechanic would be laid off and the learner would be kept on. This has been going on since the signing of the protocol to such a degree that the officers of the cutters' union put their heads together to try and find some ways and means of relieving the situation, to the extent that about 14 months ago the question of calling the conferences between the manufacturers of the protective association and the cutters' union was thought of and was brought to an issue, whereby the question of the apprentices should be taken up.

Now, it seemed that after this first conference had taken place that there was not enough time to go through all the details of it, and one or two questions had created a sort of hitch in the discussion of it, whereby they could not come to an amicable discussion; therefore it was postponed.

Now, the officers of the cutters' union went through this proposition to the extent that they were successful in arranging for another conference some three or four weeks ago, and there were, I believe, five representatives on both sides, where the cutters' organization had submitted seven points to be considered by both the manufacturers' representatives and the cutters' representatives, to the extent that we had argued three and covered five practically, leaving two open for discussion.

In the meantime the cutters' representatives had come in contact with Mr. Winslow's office, Mr. Winslow having called upon us in the course of his investigating the conditions under which the cutters were working; we have taken up the matter of formulating the plan to govern the entire apprenticeship system in the cutting industry; that is, so far as the cloak trade is concerned, to the extent that I believe it was yesterday afternoon—at least prior to yesterday afternoon—the cutters' union had written the manufacturers to meet on the question of the apprentices, and we met last night in joint session, and, owing to this investigation going on and the manufacturers having troubles, and we also having our own, the matter was postponed. But it seems to me we are going to come to a definite understanding, which is going to be satisfactory to both sides, covering the question of the apprentices.

The CHAIRMAN. Are you through, Mr. Martin?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. We will not undertake to hear any more to-day, but I would like, Mr. Cohen, to have you notify three of the employers, or such as they desire; we are not particular as to that, and we would like to have them here to-morrow; and, Mr. Hourwich, you will be here to-morrow to proceed?

Mr. HOURWICH. I shall be here; what time do you wish me to be here?

The CHAIRMAN. In the morning, I would say; I think we will hear the manufacturers first, probably—I would not state that positively, as we have not consulted about it—but I think that is likely. Try and be here in the morning.

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Mr. HOURWICH. I shall, Mr. Chairman; but may I ask you will there be any limit of time to my testimony, or may I take as much time as the necessities of the case require?

The CHAIRMAN. You shall have all the time you want, provided there is a reasonable limitation to such things, of course.

Mr. HOURWICH. I will try and be brief.

The CHAIRMAN. You will notice that there has not been anybody called down and we have not asked anybody to leave the stand, and to-morrow morning we will hold our conference in the hall at the other end of the building there, the aldermanic chamber, at 10 o'clock to-morrow morning.

(Whereupon, at 4.45 p. m., the hearing was adjourned until to-morrow, January 16, 1914, at 10 o'clock.)

JANUARY 16, 1914.

Met pursuant to adjournment at 10 a. m., in the aldermanic chamber, City Hall, New York City.

Present: Mr. John B. Lennon (chairman), Mrs. J. Borden Harriman, Mr. S. Thurston Bullard, commissioners.

The chairman called the meeting to order at 10 minutes past 10 o'clock.

The CHAIRMAN. I think we will start. The other members of the commission will be here shortly, and it is a matter of record anyhow. Is Mr. Wisnaak here this morning, one of the assistant clerks?

A VOICE. He is not here yet.

The CHAIRMAN. Is Mr. Cossack here?

A VOICE. He is not here yet.

The CHAIRMAN. Are any one of those clerks here this morning?

Mr. ZUCKER. Yes; here is one, Henry Zucker, a deputy clerk.

The CHAIRMAN. Is Mr. Zucker here?

Mr. ZUCKER. Yes, sir.

The CHAIRMAN. Just take that chair, Mr. Zucker.

TESTIMONY OF MR. HENRY ZUCKER.

The CHAIRMAN. You have been one of the deputy clerks, haven't you, Mr. Zucker?

Mr. ZUCKER. Yes, sir.

The CHAIRMAN. I want you to tell us regarding the procedure of these clerks, and I want you particularly to tell us about a matter that seems to me is not yet clearly in the record. I want to know what these dropped cases are that we have heard about here. I want that stated clearly, what kind of cases they were, in the union, and why they were dropped.

Mr. ZUCKER. You just want the idea of the whole case?

The CHAIRMAN. You do not need to relate the cases.

Mr. ZUCKER. Simply to specify a case of that kind, when we got a complaint and one of the deputy clerks of the union and one of the deputy clerks of the association comes into the shop to investigate the complaint, in many cases we find that the case has been adjusted before the arrival of the clerks. A case of this kind is dropped, or in many other cases there is insufficient evidence so as to get to the facts of the case, and the case is dropped. Then we have cases that are withdrawn; we get complaints, and before the case is investigated, the man who made the complaint reports to the office that the matter has been adjusted. Before the clerk can go on the case it has been adjusted, we are informed, and we therefore withdraw that case. All of the rest of the cases are either adjusted or found to be in favor of the union or found to be not correct, in favor of the association, or if it is a violation of the protocol on either side, either of the people, of the workers, or of the employers, it is referred to the board of grievances for discipline. That is about the whole amount of the cases.

The CHAIRMAN. Tell us how the cases reach the clerk. That has been told once, but I am not very clear upon it.

Mr. ZUCKER. A man who has a complaint against any injustice done him reports to the office of the union at the complaint clerk's window, and makes his complaint there. His complaint is then filed and a letter sent to the association, of which the deputy clerks get copies of those letters. The deputy clerks arrive at the shop, and they call the shop chairman, who calls the man who made the complaint, they call in all witnesses necessary for the case, and the

deputy clerks try to get to some adjustment, to agree between themselves. Whatever the deputy clerks agree on the manufacturers or the workers have to carry out the adjustment agreed upon by the deputy clerks. Should the manufacturer or the people refuse to carry out any adjustment of the deputy clerks, either of them are called up for discipline; the manufacturer to the board of grievances, and the workmen to the board of grievances of the union. If the deputy clerks happen to disagree on the case, both deputy clerks make out their reports and their contention of the case, and that is submitted to the chief clerks. Both chief clerks then go up and reinvestigate the case, and try to come to some conclusion. Should they disagree, the case then goes to the board of grievances, and I believe you heard here yesterday about the board of grievances. If they disagree, it goes to the board of arbitration.

The CHAIRMAN. Well, if the deputy clerks agree as to the settlement of a grievance brought before them, has either side a right to appeal from that decision, or, as I understand you now, is their decision final?

Mr. ZUCKER. Either side has a right to appeal from the decision, but the adjustment made by the deputy clerks must be carried out until that appeal has been decided by a higher body.

The CHAIRMAN. Well, then, can you throw any further light on this subject that we have been investigating? First, Mr. Ballard wants to ask you a question.

Commissioner BALLARD. After this complaint is filed, how long is it before that complaint gets to the deputy clerk?

Mr. ZUCKER. The complaint is filed, say, between 9 in the morning and 4 or 5 or 6 o'clock in the afternoon, and the complaint goes to the deputy clerk next morning.

Commissioner BALLARD. How long after the deputy clerk gets the complaint is it that they go to the shop and try to adjust matters?

Mr. ZUCKER. If he has no cases of the day before on hand, he goes on the complaint the same day, and if he has cases that have been filed the day before he generally goes on the cases that have been filed the day before, but the longest it can take is two days; most of them are attended to within 24 hours.

The CHAIRMAN. Do you want to state anything further?

Mr. ZUCKER. I want to state that there has been so much said about the protocol yesterday and about the working with this protocol. As a deputy clerk, I believe the protocol is about the best instrument that has ever been established between labor and capital. This protocol that was made in 1910 has covered and done a great deal of benefit for the workers and the manufacturers, although during those three and a half years' time there has been proved to be many leakages that need repairing—not patching, because if any leakage is patched it generally falls off in a short time—but I don't believe in any patching or any repairing; if the protocol would be at its best now, that would satisfy both parties, for certain grounds. In 1910, when the protocol was made and signed, the people in that year were satisfied with it; the manufacturers were satisfied with it; the sole reason being that a slow operator at that time, if he made four or five garments a day it was a sufficient day's work; he worked from 8 in the morning until 6 o'clock, and sometimes had to make overtime to make 5 or 6 garments every day. A presser had cloaks; and a presser on cloaks used to press from 12 to 15 garments a day; that was a sufficient day's work.

The CHAIRMAN. What does he press now?

Mr. ZUCKER. I will come to that. And a skirt maker used to make from 7 to 10 skirts a day; now an operator makes from 10 to 15 jackets a day, instead of 4 or 5. The style being now so simple, the presser presses from 25 to 30 a day, where he was used to pressing from 12 to 15. As a matter of fact, the production in the market is not so much more this year than it has been three years ago. This is alone a cause for protection of labor. Thousands of people walk the streets and try in vain to get jobs, and it is impossible for them to get employment. Manufacturers who have had 40 and 50 machines at the beginning of the spring season, or in the month of December, rather, have reduced their plants to half, and some of them less than that, and have discharged more than half of their people. The union does not allow the producer to reduce his plant, but to divide the work among the people—the larger interest of the people earning \$30 or \$35 a week. The union is satisfied that the people should earn \$15 and \$20 a week, so they should be in the shop. But the protocol does not prohibit the manufacturer from reducing his plant should it seem necessary. Now, there are a great many complaints about unequal distribution of work, which takes up most of the time of the deputy clerks of the union and of the

manufacturers. The manufacturers in the protective association have seen that they have a great deal of trouble trying to divide the work equally among the people that they have, and in order not to have so much trouble over it with the deputy clerks they either reduce their plants, which causes thousands of people to walk the streets, and it is impossible for them to get a job, because the other manufacturers do not need any more people.

These thousands of people are actually starving, although those on the job who can earn a day's work can earn double the amount they should, and the manufacturers tell us if they are going to have 50 machines in their shops and everyone will have to make a living there; whether they have enough work for them or not, they will try and boost up the prices so as to have a good week's wages, and the manufacturer says: "Why should I have 50 when I can do with 20 or 25 and give them 60 hours' work a week with overtime?" And then he says they won't ask such large prices. With the small plants there will not be so much trouble in dividing the work; but the people outside can't get any job, and they are starving, and they don't know who is at fault. They say they are members of the union, they have to make a living, and they would like to work, and the whole trouble now is in the great competition between one workman and the other workman—not so much in prices, but trying to get the work—and this causes all this unrest that we have been hearing so much about. If there should be the best protocol that could be presented at the present time, as long as there is no solution at this time, when the styles are so simple, when there is no solution that will enable the manufacturer to keep all the people under employment and divide the work equally among all; if there will not be a standardized price in the industry for the different styles of work, and some arrangement whereby a manufacturer should not have to pay a very small price for a certain class of work and another manufacturer a very high price for that particular work, nothing in the world will be able to help the situation at the present time. As a matter of fact, any man could go to these hungry men and tell them the protocol is at the fault of everything, and the man is hungry, he does not want to consider anything; he knows the man in the shop is earning \$30 a week, and he would like to go into that shop and get \$20, and he can't get that job. The main party at fault is the union, or the protocol, in his mind. Of course, in the independent shops the manufacturers are not allowed to reduce their plants in these dull seasons, or when these plain styles are being made; and I believe it is the whole thing that is causing the unrest. Any man can come to the people and tell them they are being treated wrongly, and they will believe them. One man can come to the people and tell them this thing is causing the trouble; they will not believe them because they are hungry, and anyone that will tell them unions are bad will be an idol before the public. I believe that if the manufacturers would consider that 5,000 or 6,000 or 7,000 people will be going around starving and can not get employment, and that those 5,000 or 6,000 or 7,000 people will in the long run pull down the rest of the shops into a strike—if they will consider what they are doing in reducing their plants and keeping those people as they are—they will see things differently. Maybe next season the styles will be much harder; it will not always stay at the simple style of work, like the simple tight skirt that they are having now, where a presser can now press 40 or 50 garments. If some solution could come to them, I believe this unrest that is causing this industry so much trouble now will not be so bad.

The CHAIRMAN. That is interesting but not responsive to what I ask; that is, some parts of it are not exceedingly pertinent. I want to ask you, do you know whether the union, through the channels prescribed by the protocol, or outside the channels prescribed in the protocol, have endeavored to secure a division of the work in the factories—I mean in the protocol factories—so that all would be very sure of work; has there been any effort made to bring that about?

Mr. ZUCKER. There have been many efforts made, but not officially. Deputy clerks get complaints; we simply get a complaint that reads this way—we have many of them:

"Cloak, Suit & Skirt Manufacturers' Protective Association. Gentlemen: The employees of the above-named firm complain that work is not equally distributed among the operators. Please consider this matter and take such action as may be proper."

The CHAIRMAN. That may or may not mean what I am asking about; that might simply mean that if there are 20 operators working in a shop that they did not get the work properly divided. What I mean is: Suppose there is a

force of 60 operators that are supposed to work for a house; has an effort been made to secure, not simply a proper division among the 20 in the shops, but among those who are temporarily outside without work?

Mr. ZUCKER. No effort has been made for that yet.

Commissioner BALLARD. Are there more members now than there were a year ago?

Mr. ZUCKER. Yes; we have an open union—a preferential union shop. At the time of the general strike there were 40,000 or 45,000 workers. The manufacturer has the right to hire nonunion help as well as union help, and we have an open union. If a man comes up to work as a nonunion man, we do not tell the man—his employer—to discharge him, but simply ask the man to join our union, and during that time I believe our union has increased from 8,000 to 10,000 members.

Commissioner BALLARD. You have much more members and less work?

Mr. ZUCKER. We have much more members and less work; yes.

The CHAIRMAN. That is all. I would like to call Mr. Paul Abelson, if he is here.

TESTIMONY OF MR. PAUL ABELSON.

The CHAIRMAN. Mr. Abelson, what position do you occupy of an official character under the protocol; what is your work in connection with it?

Mr. ABELSON. I am clerk of the board of grievances, chosen by the manufacturers.

The CHAIRMAN. Now, if there is any difference at all between you and the young man that we saw ahead of you, will you cover the ground of the work of the clerks?

Mr. ABELSON. Well, what this other gentleman said is about correct. He omitted to state that the practice as it is formulated in the report to the United States Government—

Mr. COHEN. Please ask the witness to raise his voice, Mr. Chairman, we can not hear him.

The CHAIRMAN. Talk up, so that the people out there can hear you.

Mr. ABELSON. The practice as it is written out in the Bureau of Labor—

The CHAIRMAN. Talk that way and I will hear you.

Mr. ABELSON. The purpose of the report, as it is written out in the Bureau of Labor, states that the idea is that, in the first instance, the people, if they have any complaints of any kind, or differences, or misunderstandings, shall, in the first instance, approach the representative of the firm in the shop—the superintendent or the foreman or the employer himself—through their spokesman, the shop chairman. That is, if there is some difficulty in the shop the chairman goes to the employer and presents the matter to him, or if the employer has something, to the effect that the men interfere in some way with the conduct of the factory, or somehow or other, he speaks to the chairman. Only after they are unable to get together does the union or the representative of the manufacturers go to the manufacturers. Then they exchange formal complaints and the clerks go and investigate the case and try to interpret the point of view of one to the other. They go as mediators and, if there is any rule governing the proposition in question, they, of course, are expounders of the law—that is, they act in the triple capacity. It is, however, exacting, and a difficult position, requiring a great deal of tact and judgment. The union man is supposed to represent to the employer the point of view of the workers; and the manufacturers' representative is supposed to represent the point of view of the employer to the union man in that particular difficulty.

They are supposed to use their best judgment, common sense, and ingenuity to straighten out that particular difficulty, and to make peace in the shop, and after that difficulty has been straightened out these men have to be in the shop and work together.

It is not like lawyers; when they have decided the case the lawyers go out and have lunch, and they do not care what happens to the litigants. These fellows have to go and make cloaks the next morning, so they try to find a way out of the difficulty.

Now, there are hundreds and thousands of relationships that arise. It is a human problem and no amount of protocol, or rules and regulations, or the Revised Statutes of the United States, or the State laws could cover the difficulties that arise there. They have to use their ingenuity to find a way out.

Of course, there are some questions that the protocol specifically covers, or the rules of the board of grievances. They are simply expounders of the law. They say to one side or the other, "This is the law." Now, that is the work in 90 per cent of the difficulties, and those the deputy clerks in the first instance handle—those difficulties.

The CHAIRMAN. Can you tell us about those dropped cases?

Mr. ABELSON. Now, the word "dropped" has been an unfortunate one.

The CHAIRMAN. In part it is; I see that. You go ahead and explain.

Mr. ABELSON. The term "dropped" was introduced by the union. I have been trying to find out how that comes in. The nearest approach to it I find is Mr. Sidney Webb's history of trade-unionism, where he states that a union considers a case dropped when they have received satisfaction. Now, the ordinary man does not consider that "dropped," but this term has been used—has been introduced to imply the sense that this matter is disposed of. Now, when you analyze the word "dropped"—

The CHAIRMAN. I want to get that in the record just as you people see it. Do I understand that a case is called by you "dropped" if, for instance, it is not in any way disposed of; if these deputy clerks find insufficient evidence, you will say, and they dropped it themselves; have they the power to drop it, the deputy clerks?

Mr. ABELSON. Yes; in many cases the evidence is against them, but here is where the work of the mediator, in the psychology, comes in.

Here they come on a complaint. Now, it is the most natural thing in the world that the representative in the union should be predisposed to think that there is a basis for that complaint, or what I suppose people would call a presumptive basis. Now, with that impression, as a man, he goes on that case. They discover no tangible evidence such as would hold water, and yet that man may say, "Well, there must be something in it," and he hates to say that this case is absolutely wrong from the beginning to the end. He hates to say that the case is in favor of the manufacturer, because there is no evidence; but he says, "Well, we will discontinue this case; we can not prove this case. I am not ready to say that the manufacturer is absolutely right there, but I see we have no case, and the other man concedes to him that amount of satisfaction, and if so, we will drop the case, or discontinue the case, or we will draw the case."

On the other hand, many times they mark the case "dropped" when it is decided in favor of the man. There have been a great many absurdities in the manner of signing cases. I may say that Dr. Hourwich himself was the first one to call attention to this absurdity of his own clerks. He came once at a meeting of the clerks and pointed out, "Here is a case where it reads 'Dropped,' and they read in the back of the complaint 'Assigned.'" He said, "It is absurd. You call this 'dropped' and at the back it is in favor of the union or in favor of the manufacturer."

An analysis has been made and submitted by the manufacturers of some 1,200 dropped cases. I have not the figures here with me and the statistics of what they mean. This is one of the things the board of arbitration bureau was supposed to go through.

I should not ask you to accept the statistics that I had prepared on this subject, but the fact is that the nomenclature of the disposition of the cases does not talk with the facts, and since these men have been adjudicating difficulties instead of creating difficulties they were not particularly anxious how they were going to write it up, although it was read on the back of the complaint here that a man was discharged, no discrimination, no discrimination for union activity at all. It is the basis of the protocol, and yet they find in their judgment that it is all right, and the world is not going to cave in if this man gets another chance; so they right on the back, "Man will get another chance," and in front they write, "This case is dropped."

If you are going to go through it strictly and logically, the man would not get a job, because you have to write up the case in favor of the union, and that would not suit, but they try this illogical way to solve a human problem; it is not how they sign it up, but they have disposed of the difficulty.

The CHAIRMAN. Is there anything further you want to submit?

Mr. ABELSON. No; I have not my papers with me, and I do not know. Maybe, later on, or some other time, I may.

The CHAIRMAN. All right.

Mr. COHEN. Mr. Chairman, I think Dr. Abelson can aid the commission further by explaining the difficulties of the work of conciliation, and the type of work that has to be done, and I will ask him to do that.

The CHAIRMAN. All right; if he can say anything that will give us any further information, go ahead. We will hear everybody before we get through, and everybody who has anything to tell.

Mr. ABELSON. Well, I do not know, gentlemen, where to begin.

The CHAIRMAN. I can not tell you where to begin.

Mr. COHEN. If you will permit me to ask him questions I think I can help.

The CHAIRMAN. No, sir; I can not do that. Go on. Have you been the chief clerk representing the employers?

Mr. ABELSON. Yes, sir.

The CHAIRMAN. Well, you must have handled practically all these cases that have gone above the deputy clerks?

Mr. ABELSON. Yes, sir; and have handled every one.

The CHAIRMAN. Well, then, tell us how you have handled them and the difficulties of handling them?

Mr. ABELSON. Well—

The CHAIRMAN. That is, I understand what you want to get out, Mr. Cohen?

Mr. COHEN. Yes.

Mr. ABELSON. In order to understand the work of the clerks and the difficulties that they have to meet with, you really have got to understand the underlying situation in this problem. You have here a relationship between some 50,000 workers and some 200 and odd or 270 manufacturers.

Now, neither of these two sides have had experience in collective bargaining. You heard Mr. Rosenberg tell you yesterday that the union agrees, not as your journeyman tailors' union agrees, or Mr. O'Connell's trade-union agrees, from the bottom up, but rather from the top down.

Now, you can understand when you organize 50,000 workmen and begin with a general strike, instead of disciplining them for a decade into the principles of trade-unionism, that like the advance agent of the salesman, you have to promise the people, agitate them, and arouse them to the principle of collective action, and you must promise them a great deal, and naturally, after they go through a strike there comes a period of disillusionment, when they find that they have won everything, that they still did not win one thing—that there are still bosses alive.

Now, you have a temper there of people who have not been disciplined and trained in union action. Precisely the same thing, gentlemen, is true of the employer class; they never had collective action and discipline and so your fundamental problem, when you have got to work on the job, is to first discipline and organize the two respective sides. Also, with any question that comes up, you must absolutely overlook the individual's particular difficulty in this particular case, which may look often like a mistake or an error for the greater good of the principle and the integrity of the two respective organizations.

Now, when this agreement was signed, fortunately a great many things were left in abeyance, and that as the board of arbitration has expressed itself once, so perhaps the advantage of the agreement is that it left room for development and growth. It was unfortunate on the fundamental problem of collective bargaining, and one advantage that can be given, one argument that can be made to an employer in favor of collective bargaining, is that labor is eliminated from the competition process, and it is not there. Seventy-five per cent of the work is done by piecework, and for piecework you have 2,000 unions instead of one union. Each shop has a union and changes its policy every week, because the price committee changes around, and the union that does not have to go into conference once in six months or once in a year with collective bargaining, but every day in the year, so that you have 2,000 unions changing every week, bargaining every day. That is the condition, a condition of chaos and turmoil, in an industry that you find here to-day, and you can not—

The CHAIRMAN. What efforts have been made by the parties to the protocol to get rid of that condition? Go on in your own way.

Mr. ABELSON. Now, this is the fundamental difficulty; now, consequently, you have there an agreement which the employers have been fighting for, and as I say, there is one thing they will not give up; they will not give up the right to discharge a man, that is the right they call the conduct of the factory. You have on the other side a mass of 50,000 people, who conceive that the very act of discharging is discrimination, because in itself it is not a question of union activity, as you would understand it, but it is the temper of these people. And now, in place of that situation, here you have a man who is discharged.

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Now, you go and talk about law. The protocol does not give them the right to discharge the union man; he has to prove discrimination; but the men in the shop feel that if this man is discharged the whole union is going under.

Now, you have to get down to the proposition as a human problem. Very often it is a question of relations and ignorance and spite and suspicion, and all those human frailties, which people of a certain type of mind and certain training, and certain environment, and certain experiences, and certain industries—say, the tailoring industry, and things of that kind—you have to approach this question from the point of view of the realities of the situation.

Now, it is rather strange, gentlemen, that the representatives of the union were all radicals, in so far as their political professions are concerned, or economic views. They are all extremists. When they get down on the job, and go on the cases, it does not take a year, and they are called terrible men—conservatives. It is simply because it is facing the situation.

Now, by a process of mediation you say this: Since there are so many difficulties and perplexities here, and since every little question can be raised into an issue on which you can fight and fight to the last ditch, it is more wise to lay aside abstract rights and abstract principles, and get down to the realities of that particular problem. I settled a problem the day before yesterday, scolding the manufacturer and the workman, and in the case when this very man testifies before me, and that is the way we solved the problem, and it was beautiful, too; and it is like the most intricate case, you can make six profound issues out of it, and have five sessions of the board of arbitration on that, and we solved the problem by scolding both sides. Now, mediators can do that, because you are acquainted with the situation. You get into it and solve it as a human problem. Now, that is the work of 90 per cent of the cases.

These men, of course, can not sacrifice their principles, because they have to find a way out. They overlook the issue, and instead of making it into a problem, as concerning the whole industry, they grapple with it, as a problem in that particular shape. As time goes on, some of these solutions that they devised become precedents. Time after time, as soon as they solve a particular difficulty in a certain way, and an analogous difficulty is solved in the same way in another shape, and by and by we have a series of practices which we are all fond of, equaling the development of a kind of common law in the industry.

By the meetings of the mind, by each side trying to understand the difficulty the other is working out, and finding a way out under these circumstances, that is the way. Now, for instance—well, I would not like to go into individual instances—now, this feature, this 90 per cent of the cases which are handled by the clerks, leaves 10 per cent of the cases which present no disagreement on them at all, but difficulties.

For instance, there are certain hard problems that come up, that only the chief clerk on either side can handle. It gets into a difficulty where the deputy clerks can not solve the problem and the union leader can not solve the problem. Well, they take that up. Now, I do not know what percentage of the cases, but I think it was read here yesterday. In a large number of these cases, 7 or 8 per cent, the chief clerks themselves solve that difficulty, and then there is left that small residuum of cases where you get to a point where you have exhausted the limits of your ingenuity and resources and where the issue has got to be met, or a more responsible body must find a way out, and there is the human element, but because the chief clerks are not saints, they sometimes may get into a hitch, and when you get to a board of grievances, and five men on both sides, we thrash the matter out, it is ventilated, and in nearly every other case the way is found. The situation is looked on in its larger aspect and you will find very often they appoint a committee and the committee will solve the problem and the next week it is reported solved, and they see a way out. Now, that is the way the thing is worked.

The CHAIRMAN. Can you, from your experience, give expressions of your views as to the suggestions made here by several witnesses as to the adding of a permanent chairman to the grievance board?

Mr. ABELSON. A permanent chairman of the grievance board would absolutely change the entire structure of the protocol. It would absolutely give up the idea of mediation and conciliation. I can tell you, if you give them an impartial chairman, you would absolutely rewrite the protocol, and make it in the form of a contract, black and white, specifying everything, so that there is not the slightest doubt about it. For instance, if you should say "Discharge," the manufacturers, will never, could not, under the circumstances, agree, the

war the factories are run here, with the changes in styles and designs, when men keep shifting from shop to shop—give up the right of discharge. What would you have to do? You would have to say, "Yes; for union activity a man shall be reinstated." They could never leave it as if it were a court of law; it becomes an ironclad contract, such as bricklayers would have. Here is a man with respect to whom the agreement reads that if the man comes at 9 o'clock he has got to be paid for two hours; then, the only question which our man can decide is whether he was working two or two and a half hours. But in all these difficulties we have to find a way of living together and making them a society, because the society would be continuous arbitration instead of conciliation and mediation. It is often asked why would we conciliate the 95 per cent and arbitrate the other 5; simply because nobody will want to conciliate the other 95 when he has a chance to have arbitration.

Under the present conditions, which side carries on it the responsibility of the collective principle? Say there is a case when I in my judgment—there is no rule governing that—but in my judgment and experience I go with a union man, and come to the conclusion that such and such ought to be done, and the man says, "Why, no; I want this case tried to the limits." I say to him, "It is the policy of the association, and I represent that policy, and this is the way it has not to be tried out." He would win that principle, if he went the limit, but we tell him you have to do it in this way. In the individual case the man from the union will tell him, "This is the union policy; now, you have got to subordinate yourself to the policy of the entire organization," and that is where the difficulty comes in.

Now, the clerk of the manufacturers has had to submit to a great deal of criticism.

The CHAIRMAN. That is good for his health.

Mr. ABELSON. Yes. Now, the manufacturers' association has found a remedy for that, not by having the manufacturers' representative go to the masses, at a mass meeting, and make a speech to them so that they should vote him a vote of confidence, but they remove him a peg further. The manufacturers have a chairman and a vice chairman on the board of grievances. In the rare cases where his influence can not get the manufacturer to do what he thinks in his judgment—it is not a question of law, a question of the judgment of the mediator—he says, "Now, we will put it up to these two men; if they say you will do that, we will not go to the board of grievances to fight and formulate an issue on that, but this is a proposition in your shop," and of course a manufacturer is disposed to listen, and does, because we make an appointment and they come at a certain time and the proposition is presented to them, and they say, "Why, we would not fight for you in the board of grievances for that"; so he comes in.

The union man is the difficulty; he is elected by the people, the business agent. And in a great many times, among the responsible union men, there has been the strong discussion that the clerks of the board of grievances should not be elected, because you can see the situation.

He is elected and he goes there to act as a judge.

These men are not trained and disciplined in the sense of union policy, and this is give and take—that you can get that if the union has strength—he can get everything; and if they can not, this man is either inefficient or dishonest.

Now, it is an open secret, and it is unfortunate, that you gentlemen have a public hearing, because that degree of candor which you would get from certain people can not be gotten here.

It is an open secret that the only reason why an impartial chairman is wanted is because the pressure on the business agent is that they are criticized. Now, they are simply destroying the fabric of mediation, because there are some people who can not or have not backbone enough to stand it and resent the criticism, or to educate the mass that they can not get everything they want. The situation that you have is this: It is as if every judge was going to run for reelection only by the votes of the litigants who lost their cases before him. How much chance of reelection would that man have? A man who has a grievance adjusted is peacefully at home. His case was won and he has nothing to say; and the man who has lost his case, he is the one who goes to the meetings and raises a rumpus about the time it takes to nominate the business agent and things of that kind.

An ambassador can not be elected by the people; that is a relationship between two nations; and if they are elected by the people, why, of course, it won't work, and the situation ought to be reversed. Now, the manufacturers

have been able to solve that problem, and even then you have to have a man with some backbone.

The CHAIRMAN. How do they elect their clerks?

Mr. ABELSON. There is a committee of ways and means, of selection; that is all. The executive board approve in the first instance. The committee is organized to find a man who understands—I mean the second man on the job, by the way, not the first.

The CHAIRMAN. Yes; I know that.

Mr. ABELSON. They were instructed to find a man who had certain qualifications. Those are the qualifications of understanding the trade problem and understanding the nature of the people; and I am a social worker myself, so I can understand the situation; and by the support of these people who are responsible for the policy in the agreement, the clerk can go on and do his work and stand all the criticism that is passed across. He could not do it if he had to be elected by the mass of the manufacturers.

The CHAIRMAN. I want to ask another question. I have listened very carefully to the evidence submitted, and you have been where you have had the opportunity to see the workings of the protocol in every direction. What, in your opinion, is the possibility of devising some plan either to take the place of the present plan of fixing piece prices or having some supervising control over them? What possibility is there for solving that problem?

Mr. ABELSON. My conviction is, that it is very strange, gentlemen, that on these fundamental problems anyone should disagree, and it does not make any difference on what side he is, because, strictly speaking, we represent the idea of collective agreement between a body of manufacturers and a union, where the object is to standardize the industry for the benefit of the entire industry. Now, those who are really conversant with the situation have come to the final conclusion that there is no help out of this situation unless you introduce a system of hand work, but you can not.

Now, some people fear that, because there will be an element of sabotage introduced; they feel that with this principle of syndicalism prevailing that there might be sabotage introduced. You say the scale is \$25 for a cutter, but I have never heard a cutter say my man shirks. The cutters are, to some extent, a different type. The tailors go into their trade as adults. There has been the syndicalist idea prevailing, although there was no union. There was a shop strike in the height of the season without any union at all. There was always a nucleus of a union. Certain people think if they get a strike that after the strike was over a union would not be needed any more. That spirit has prevailed all the time; and now they have a union; they have the same idea that they could cut their cake and have it, too, and have a strike union, and have the syndicalist idea; and the worst thing that could be conceived by them was for anybody to say that there are men in this room who say it is the existence of the manufacturers' association which saves the union from itself. By that they mean in very truth that the spirit of lack of organization would be so strong that they would bust themselves; but that check helps that. You can see how irksome it becomes for them to say, "You can not have this agreement and have that restraint." Fundamentally, every difficulty we have had has been either from the spirit of some leader or the mass who resist certain action which was for the good of the organization of the union.

The CHAIRMAN. A gentleman informs me that certain people have been shut out of this room, on the committee of recreation. I do not know what kind of recreation is to meet downstairs, but it is immediately in room 12. If there is anyone here that is anxious to attend that meeting, it is to be held downstairs right away.

Mr. ABELSON. Now, every difficulty that we have had has been either because some leader or some shop had insisted on the assertion of the individual feeling of that particular shop against the interest of the entire organization. Now, without going into difficulties, take the one example that you heard Mr. Cotler give yesterday—about a shop in which the union had a life-and-death struggle, and the manufacturers cooperated against the anarchical tendencies of one group in the union. That shop consisted entirely of a minority nationality; and these men run away with the organization and made private agreements under the protocol twice with the manufacturer, and he fell for it, because at the height of the season they struck, and got him to sign an agreement; and this was one of the agreements that he signed, without reference to the rules or regulations or orders; and when it came to the third time the union said, "Now these men must abrogate that and obey orders or lose their jobs"; and the manufacturer lost \$25,000 by discharging these men. He did not

gain anything by it; but the union and the association together had to stand, because if in the height of the season these men are going to strike, why, then, of course, the thing falls to the ground naturally, and that could spread like wildfire; if one shop got away with it, all the others would. Now, that is a principle of organization.

The CHAIRMAN. Your answer to my question as to the solution of this problem of fixing prices is week work?

Mr. ABELSON. A system of week work carefully worked out, which would meet any problem which might arise. There are certain local prejudices against that which are not well founded. For instance, there is a tradition in the trade that twenty-odd years ago there was a strike, and they wanted week work, and because they lost that strike they say that week work would be an ill omen, or something of that kind; but there are some classes of manufacturers who are not in accord with that; and I mean those who have really given serious thought to the problem have come to the conclusion that this is the only way out of it, because otherwise you would have that collective principle. There does not seem to be any rational way of standardizing the price, because there are so many styles. There sits a man here who makes 8,000 styles in one year. Every one has to be bargained for, because this lapel is changed, and they have a right to refuse that work until the adjustment is made. Now, that is an extreme case.

The CHAIRMAN. All right, Mr. Abelson. Is Mr. Rosenfeld, the president of the operators' organization, present?

Mr. ROSENFELD. You say, of the operators?

The CHAIRMAN. The manufacturers, I intended to say.

Mr. ROSENFELD. I am Mr. Rosenfeld, and I am president of the manufacturers' association.

TESTIMONY OF MR. L. E. ROSENFELD.

The CHAIRMAN. Mr. Rosenfeld, would you tell us, regarding the workings of the protocol, what has been your opinion of the results of its adoption to the trade—whether or not there are any serious difficulties in connection with it, with any suggestions you feel like offering for solving them. Tell the story your own way.

Mr. ROSENFELD. All right, Mr. Chairman and madam, I am a thorough believer in the protocol.

Mr. COHEN. Speak up, Mr. Rosenfeld, please.

Mr. ROSENFELD. I believe in the protocol. If the workings of it are followed in the sense that it means, it is the best piece of machinery that ever capital and labor thought of. The principal idea is mediation and conciliation.

No idea should exist at all on the lines of dictation from either side. We must give all credit to the labor leaders that organized the cloak makers in 1910. It brought to their senses the manufacturers. It brought forward the fact that the manufacturers in no way, manner, shape, or form considered what an organization to them would mean. Many of the manufacturers have been at peace with their working people all through their business career; other manufacturers were continually having trouble with their employees. There was a strike here and a strike there, and things really did not run like a nice oiled piece of machinery, and the organizing of the unions brought together the manufacturers. When the protocol was signed in September, 1910, of course, it was all new. The machinery was not in working order. There was a desire of the manufacturers to get to work as quickly as possible, and work up materials that they had on hand and get as many employees as they could, and the little detail which would make the protocol effective was overlooked.

I am the original chairman of the grievance board for the manufacturers. I served in that capacity.

Mr. COHEN. Mr. Rosenfeld, we can not hear you here.

Mr. ROSENFELD. I served in that capacity for two and a half years. The grievance board, to start with, was a very poor piece of machinery. It did not amount to anything. Here is where the lawyers showed their efficiency.

The lawyer for our side and the lawyer for the other side got together, and they drew up certain rules for the working of the grievance board. Gradually that grievance board became a nice-working proposition; it worked very smoothly. The gentlemen on the other side were rather radical. Some of the very important labor leaders served on the grievance board, and they did not quite realize the fact that they had not won a victory over the manu-

facturers. They still had that idea in their minds that they had beaten the manufacturers to a frazzle. They forgot the fact that the good advices of prominent men in this community had brought about the signing of the protocol for the interest of the community at large. These certain important men were the men who brought capital and labor together, and it took some time to get the other side to realize that fact.

We had some very hot sessions, very warm arguments, and then the prominent leaders on the other side that I speak of finally began to see that mediation and conciliation was the fundamental point and the exact meaning of the protocol.

The great trouble at the present time is the wisdom tooth is not through. The protocol is just in its infancy. It is like a child with its teeth coming through, and it seems as if people think that in three years and four months something can be done that is an absolute impossibility, particularly when conciliation and mediation is eliminated, and in place of that a dictatorial proposition presented.

The idea of the grievance board meets with a presentation of "I have come here to get so-and-so, to tell you what you must do," which is absolutely the death of a proposition between capital and labor, which, as I stated before, is the greatest thing I ever knew of.

Now, the unions certainly did a wonderful thing when they brought about the arrangement between the manufacturers and the working people in eliminating so many hours of work and in getting for them that condition of safety that they were entitled to, for getting for them that sanitary condition which is so essential to health, and for eliminating the taking home of work each night; all of these points the manufacturers saw and felt were absolutely the proper thing.

There never was a point brought forward that showed any sense at all that the manufacturers did not concede at once. The problem of price making in the various factories of their industry is a problem that has brought about great dissension. It would seem the points that are being worked upon now by the manufacturers and the points that are before the board of arbitration are in regard to a piece-price committee, whereby if there is any disagreement between the employer and the pieceworker, that an expert will come in from each side, and they will decide what the proper price for making that garment should be. Now, for instance, the manufacturer, he pays his price on the garment and perhaps he does not agree with the price that the chairman of the price committee presents. The expert from the manufacturers' side and the expert from the other side will put a price down, not knowing what the other will do. In a great many cases there is a difference of say 50 cents between the manufacturer and the workingman, but there is a difference of about \$1.75 between the medium price, striking an average between the manufacturer and the workingman. Now, that brings about the fact that has been discussed here and a great deal of dissension and turmoil.

The CHAIRMAN. That is fixing the piece price?

Mr. ROSENFELD. That is fixing the piece price. Now, the price committees of the various factories, in my opinion, are badly advised. They are advised in a way that is detrimental to them, as well as to the manufacturers. A lot of the work that they could obtain is denied them from the fact of their desire to get something right on the spot, which is going to work against them eventually.

If a reasonable proposition in the way of price making is obtained, which we believe will be, by this price committee, it will no doubt lessen a great many of the conditions that have arisen and have caused distress not only to the manufacturer but to the working people.

The point of the joint board being represented by a clerk elected—and Dr. Abelson went over that pretty carefully—of course, I am very much against that, for the reason that their chief clerk should be engaged in the same way as our chief clerk; it seems that the international, who is the guarantor of our protocol, has withdrawn as a guarantor, which will make it for us an impossibility to continue the protocol; for this reason, that in regard to important points that may arise we have no one to look to—

Mr. COHEN. What are you saying? I think you want all of us to hear.

Mr. ROSENFELD. Can not you hear it?

Mr. COHEN. I wish you would go over the thing that you said before and say it a little louder.

Mr. ROSENFELD. I will try and do my best. The point that has been brought up here in regard to the manufacturers not punishing their members is a point which I wish to state is well taken care of by the manufacturers in every case where any of the manufacturers have done something that was against the rules of the manufacturers' association, and the punishment that should be meted out to them was. Now, without the backing of the International, what chance have we to know that the union will mete out that punishment to their people that should be done, where they have offended?

The working of the protocol has entailed a tremendous amount of expense, not only in a financial way, but in the energy of the manufacturers given to that work. The manufacturers that have been interested in the success of the protocol have been continually giving their time, and giving it freely, for the reason that they believe that no better condition could exist than mediation and conciliation between capital and labor.

I believe that that would be about all the points that I could give you.

The CHAIRMAN. You must know exactly from your side of the case at any rate. What has been the outcome under the protocol of the question of wages, not only by the piece, but as to the earnings of the people employed?

Mr. ROSENFELD. Well, the point was brought forward in regard to the cutters. The cutters are receiving to-day about the same pay, \$1 per week more, than they received from the ordinary merchant; that is, the average merchant. That was all gone over with; the price to-day is 25½ cents; they are week workers. I do not know what they—

The CHAIRMAN. What were they paid before 1910?

Mr. ROSENFELD. The pressers?

The CHAIRMAN. Yes.

Mr. ROSENFELD. That was gone over yesterday. It was a contract proposition. A man employed a certain number of men and paid them about, I should say, \$14 a week would be about the average price. The sample hand before the protocol got \$14 or \$15 a week on an average; to-day he gets in the neighborhood of \$22. Some of them get \$24, \$26, or \$28. I believe \$22 is the protocol price.

The CHAIRMAN. What is the situation as to what is known in the trade as contractors now, compared to what it was before 1910?

Mr. ROSENFELD. You see the contractors are about the same to-day as they were before 1910, but the employees of the contractor, their condition, is much better. That is brought about through the sanitary conditions, etc. But a point was brought out yesterday, Mr. Chairman, in regard to the submanufacturers. I do not recognize any such thing as a submanufacturer; I do not know what they mean. The point brought out here—submanufacturer—I do not recognize that there is such a thing as a submanufacturer.

You know one of the great questions to-day, and a point that is absolutely against the law, is restraint of trade. Now, if a man comes to me and presents to me a garment, and his price is \$10, and I can not produce that garment for less than \$13.50, it is certainly my privilege to buy that garment. Now, that was brought forward yesterday in regard to submanufacturers.

If a man can manufacture cheaper than I can, it is certainly in my province to buy from that man, but the great point is to get down to where it is possible for that man to manufacture cheaper than I can manufacture, where the protocol calls for a stipulated salary for each weekly employee.

Now, in many cases I have seen with regard to garments, whereby I would have to eliminate the price of labor entirely, and I could not manufacture as cheaply as it was presented to me.

Now, there is something wrong. There is some screw loose. The machinery in general is not as perfect as it should be.

Those are the points that I meant when I said the protocol was in its infancy, and that the perfection of detail had not been reached.

Commissioner BALLARD. You mean that the garment that these people will sell you is the same as you have, and you can sell it cheaper than you can buy the materials alone for?

Mr. ROSENFELD. Not the materials alone; eliminating the labor.

Commissioner BALLARD. Yes.

Mr. ROSENFELD. That is, the sewing of the coat, etc.; the same garment exactly; there are many cases of that kind.

The CHAIRMAN. I suppose there has been some investigation made to find the reasons for that. Surely a man would not be in business without doing that?

Mr. ROSENFELD. There have been investigations made and I have made them, and the other members of the association have made them, and we are yet unable to solve the proposition.

The CHAIRMAN. Do you desire to submit anything further?

Mr. ROSENFELD. I have nothing more. If there are any questions you would like to ask, I would be glad to answer.

The CHAIRMAN. You might tell us—well, I am going to ask another gentleman to cover it more specifically, but tell us as to the changes that have been brought about under the protocol in the way of sanitation and better facilities for working, and that kind of thing.

Mr. ROSENFELD. Well, I think that is one of the best things that has ever been done in this community. I think the conditions that exist to-day are so much better than they were three and a half years ago—there is no comparison. I think they were brought about as I explained in my early remarks. The condition is very, very much improved. In the early days of the protocol I was asked by the other side to accompany them through the East Side, along in the section of the Williamsburg Bridge.

I know that neighborhood from passing through there, but I had never gone into it in detail and I did that day. The gentleman that I went with is in the room and was here yesterday—Mr. Polakoff—it was through his request I did this. The conditions over there were deplorable, and I am sure at the present time, under the existence of the protocol, that improvement has been very, very appreciable. Everybody in our industry knows how much the condition has improved.

The CHAIRMAN. How would you suggest, if it was put upon you to do so, that the protocol should be improved to increase perhaps a little more rapidly than a gradual development the good will and good feeling between the employees and the manufacturers under it?

Mr. ROSENFELD. Well, I will tell you, Mr. Chairman, personally I think there is good will between the manufacturers and the employees. The contention at the present time is on one point only. It is the dictatorial presentation of the grievances on the other side. That is something we can not tolerate. We want it understood that when we come into a grievance board meeting that the presentations are for mediation and conciliation and not for dictatorship. We do not want to be told we must do this, we must do that, or we must do the other; we want to work in harmony; we want to work the best way we can. We always have on every proposition that has come forward given the best we could; we can't give what is wrong, but we can give what is right. If we are deadlocked, the board of arbitration is there to settle the question, and when we first went to the board of arbitration the rulings proved conclusively that the manufacturers in every way, manner, shape, and form lived up to the agreements that they signed.

The CHAIRMAN. I think your answer signifies that you believe the protocol, lived up to in spirit as well as in fact, is practically sufficient to continue peace in the industry and work to the betterment of the trade generally.

Mr. ROSENFELD. I can say it frankly and honestly, Mr. Chairman, that the protocol, lived up to, is the greatest vehicle that capital and labor have ever had before; but there are so many little things that come up, such points as I have brought out here, that must be lived up to to the letter. We are willing to do it, we want to do it, and we have done it; there has never been a case brought in to that grievance board that was not given the consideration it was entitled to. There was never a case decided against the other side by our side where it should not have been so decided; wherever there was an opportunity to conciliate, where there was a chance to do so, and to do so honorably, it was done, and it will be done as long as the manufacturers' association is in existence; and we have always protected the other side, where it was possible for us to do so, in the manner set down by the rules and regulations of the grievance board.

The CHAIRMAN. What is your view of the question that was before us a few minutes ago of substituting week work for piecework in the departments where it does not exist now?

Mr. ROSENFELD. Well, week work would certainly do away with a great deal of the haggling, and do away with a great deal of the mistaken ideas that are existing to-day between the members of the committees of the manufacturers and the union; that would eliminate a great deal of that. But whether it would solve the question is open for serious discussion. One of the best things that I know of, if it can be perpetuated, is the piece-price commissions and

standardizing the various classes of our industry, the operating price, the quality, the class of manufacture—to make that price a standard rate throughout the industry.

The CHAIRMAN. That is being considered, is it?

Mr. ROSENFELD. That is being considered, and it is being worked on to-day. In many cases the experts on the other side and the experts on our side go into the manufacturer's factory, and they have brought about a positive adjustment where there have been arguments.

The CHAIRMAN. All right. That is all I have to ask you. The chairman feels that it is only right that he should say a word or two in the nature of a statement. I came here without personal acquaintance—so did the other members of the commission—with people here, except to a very limited extent. I have had names handed to me of people who ought to be heard by the score, actually, and it is really amazing, and most of them without any indication of where they belong, whether they were manufacturers or whether they were employees or what they were. Now, the commission desires to give the fullest possible hearing to this subject, so that when we do come to study it from the record we can say to the people of the United States what we believe it shows and what we believe it has done in the industry in the city of New York. I want to call and hear, and every member of the commission is willing to hear, everyone that has something to give that has not already been given and that has not already been corroborated by more than one person; and I will call, as best as I can, the names piled up on the one side and on the other together. I say one side, I do not mean that in a way that anyone can take offense, because of the fact that I don't know where all the gentlemen belong, so far as their affiliations are concerned, whose names have been given to me; but if there have been some missed who have something to say that has not been said by more than one person, we are perfectly willing to hear a repetition, but if it has been said by two or three the chairman will ask them to desist until later on. I believe that is fair, and I do not think anybody will say to-day that they object to it. Now I will call upon Mr. Silberman. I think he is also one of the manufacturers in this case; I know that he is.

TESTIMONY OF MR. MORRIS SILBERMAN.

The CHAIRMAN. Mr. Silberman, there have been some complaints by the people sitting in the audience that they can not hear, and they are all interested, and if the witnesses will try to make them hear we will be obliged to them.

Mr. SILBERMAN. Mr. Chairman, I will begin by stating what a member has to do in order to get membership, or rather what an applicant for membership in the association has to do in order to become a member.

The CHAIRMAN. That is, the manufacturers' association?

Mr. SILBERMAN. The first thing for him to do is that he must file an application, and after having had it passed upon, the most essential thing is that he must receive a certificate from the board of sanitary control; that is, that his factory and side plants are investigated and have been found sanitary; and after that has been done a certificate is issued to him, and in that way he can become a member. Now, that is only one of the things. After he has become a member, among the benefits he receives is the insurance against strikes or stoppages of work.

The CHAIRMAN. What do you mean by insurance? Make that plain as you go along.

Mr. SILBERMAN. That is to the effect that the manufacturers' association protects him so far if the people in his employ stop temporarily or for any length of time. The arrangement of the protocol that is in existence between the union and the manufacturers' association prevents that; but before that he is penalized, and I say that unreservedly, because in becoming a member of the manufacturers' association he must pay standard wages, he must have a sanitary shop, he must not work his employees more than a certain number of hours a week, he can not work them nights more than a prescribed time. The strength of the association is about 175 members. Now, there are a lot of nonprotocol shops which are classed as those not working under the wings of the protective association. Now, we know from experience, and we know from investigation that a great mass of these do not live under the protocol provision; that is why they do not work on a scale; they do not work the prescribed number of hours; they do not pay for legal holidays; and upon investigation, when unions are notified, on investigation they have no books of record to show, or they claim

they have no books of record, and in that way the member of the association is penalized, because he is forced to live up to the different standards; and it causes a great deal of competition.

Now, the protocol is all right. There may be things that are wrong in it; there may be things in it, but I understand—in fact, I know—the board of arbitration has been in session, and that statistical reports are being prepared, and no doubt recommendations will be made, and I am sure that if they are feasible and practicable the manufacturers, on their side, will carry out any such recommendations.

Now, the machinery of the protocol is all right. But the trouble is that some foreign substances get into that machinery and clog the machinery. Now, what has happened? The machinery must be clean; it must be put in working order.

Now, the only thing, or the only machinist, that can do that. In my opinion, is the international; they are the chief mechanics to deal with that. Now, they must see that that machinery is cleaned out, and if the statement of the international that they will resign as guarantors from the protocol is made it means only one thing, and that is that there must be an abrogation of the protocol, because if you have no responsible parties to deal with, if you have no substantial agents to go to, we can not continue the business. The 60,000 men in the unions not having any head become 60,000 individuals, and in that way it becomes an irresponsible mob, and it is natural that one association can only deal with another association if there is to be collective bargaining; and if you take away the leaders or the guarantor, why, the thing must fall to the ground.

The CHAIRMAN. Before you leave that point, Mr. Silberman, I was just going to ask you, or I think Mrs. Harriman wants to ask you, a question.

Commissioner HARRIMAN. Has the international given specific reasons for wishing to get out or wishing to resign as guarantors?

Mr. SILBERMAN. Well, the reason they give is that they recommend certain things to the joint board, certain policies to the joint board to follow; the joint board refuses to follow the reasons given. It is a similar situation as if the United States, being made of so many States in the Union, if the same thing occurs with respect to that. Now, it is reasonable to suppose that every State has a perfect right to make its own rules and laws; it is also understood that no State can make any rule or law which conflicts with the national, or Federal, law. Now, if the United States Government would suggest to any State in the Union that a certain law pending in that particular State would be against the law of the United States I should think it would be up to that particular State to follow the suggestion made by the United States Government and not pass laws contrary to the laws of the United States. We have had a similar situation lately, or not so very long ago, in California, where they tried to pass certain laws which would be in conflict with the laws of the United States. What happened? The President sent his Secretary of State to that State of California to notify them and to see if they could not change and keep the rules of the United States Government, and I presume the situation now is exactly the same. The locals are made up of each branch of the industry; each local represents a certain branch. Now, these locals send their representatives to the joint board; the joint board again sends its representatives to the international; the international, as I understand, is made up of all locals in the United States. Now, if the international—which is the parent body, supposedly—if the international, which is the certain legislation to each of the various locals, and if each of the locals will tell the international, or the parent body, that they will not stand for any such suggestion, but that they are going to do things their own way and as they see fit and just as they please, the natural consequence is that there will be no international, and instead of a federation it will be an individual government of States.

The CHAIRMAN. Is it only just lately that the international has taken that stand?

Mr. SILBERMAN. It is only recently; it is only after we have notified the international to that effect.

The CHAIRMAN. Whom have you been doing business with—representatives of the international or representatives of the local unions, or both?

Mr. SILBERMAN. The protocol was entered into by the Cloak Manufacturers' Association and the joint board together with the international as guarantors. Our method of procedure is that when a complaint is filed—and that has only been done after a hearing before the board of arbitration, which board of arbitration has decided that it must be done, then a complaint is filed with the joint board and a similar complaint is filed with the international. In this way

if the joint board refuses to act on that complaint, why, we look to the international as guarantors to enforce that complaint or to enforce action on that complaint. Now, if the international can not bring about action on that complaint, why, our remedy lies then with the board of arbitration. The international has come out with a statement from the general executive board. I don't know that I would care to read it, but it could be offered to the commission as evidence, if you please.

The CHAIRMAN. It could be offered as evidence?

Mr. SILBERMAN. Yes.

The CHAIRMAN. Then put it in at that point. The stenographers need not translate the latter part of the document, however.

Mr. SILBERMAN offers the following statement, which is ordered spread on the record:

RE THE HOURWICH AFFAIR—A STATEMENT FROM THE GENERAL EXECUTIVE BOARD OF THE INTERNATIONAL LADIES' GARMENT WORKERS.

EXECUTIVE OFFICES,

32 Union Square, New York, January 5, 1914.

To the officers and members of the cloak, skirt, and recter makers' locals affiliated with the I. L. G. W. U.

GENTLEMEN: Since the locals affiliated with the joint board of the cloak and skirt makers' unions decided to submit the question of the election of Prof. Hourwich to the office of chief clerk on the board of grievances to a referendum vote the general executive board met several times to discuss the situation, but could come to no conclusion and could arrive at no unanimous decision as to what course it should take in view of the impending complications which would arise out of the election of Prof. Hourwich as chief clerk. Inasmuch as the consensus of opinion of the members of the G. E. B. is that in view of the continuous attack on the international union and its officers by Prof. Hourwich any statement published by the general executive board at this time would aggravate instead of relieve the situation.

On the 16th of December we received the following communication from the manufacturers' association:

"Mr. Abraham Rosenberga, president, Mr. John A. Dyche, secretary, the International Garment Workers' Union; and Mr. J. Halprin, president, Mr. M. Perlstein, secretary, the joint board of the Cloak and Skirt Makers' Union.

"GENTLEMEN: We are informed that Dr. Isaac Hourwich is to continue to represent the joint board in the dealings with our association under the protocol. We regret to be obliged to ask you to designate some one else with whom we may have official relations. Dr. Hourwich has publicly charged our association with having offered him an inducement to work for the association; has publicly charged us with having connived to warp the statistical inquiry of the board of arbitration, the board of grievances, your international officers and your joint board, and stated in the presence of the board of arbitration that in view of its recent decisions he could not work in harmony either with the board or with us. We recognize fully the right of each party to the protocol freely to select its own agents, but since it is of the essence of the protocol that there shall be mutual respect in the daily dealings of the parties it is obvious that neither parties can have dealings with a representative of the other whose deliberate purpose is to create distrust and ultimately destroy the protocol. Since we desire fully to perform our part of the duty of upholding the protocol and abiding by the decisions of the board of arbitration we prefer not to be obliged to deal with one who has both insulted and assumed an attitude of dictatorship in the industry. We regret exceedingly, therefore, to be obliged to ask you to designate some one with whom we may continue business relations, so that the daily business may be conducted without more friction.

"Very truly, yours,

"(Signed) L. E. ROSENFELD,
"Chairman Executive Committee."

To this communication the general secretary-treasurer replied that the contents of the letter would be submitted to the next meeting of the general executive board, which is to take place on November 29.

Since, however, we knew the opinion of the members of the board of Prof. Hourwich, namely, that his undoubted abilities are of destructive and disruptive nature; that the moment he entered our organization he began with an attack upon the international union and its officers, and finished up his campaign of destruction with throwing suspicion and mistrust against every responsible officer in the organization; that under his influence and leadership the organization must go to pieces; and that his elimination from the union must take place in order that our organization may continue to exist. The mere fact that the manufacturers object to deal with him would not alter their opinion and can not justify the members of the board to take such a stand as would force such an impossible person upon the manufacturers for no other reason except the manufacturers' objection. The members of the board were also of the opinion that under his leadership and guidance the international union can not be a party to the protocol and guarantee for the joint board in its dealings with the manufacturers' association.

Taking all this into consideration, the only reply we could give to the manufacturers is that under the present circumstances the international union must withdraw its guaranty to the protocol.

Since, however, such a reply to the manufacturers' association may lead to the abrogation of the protocol, we thought it best to call a conference of representative trade-unionists of this country for the purpose of hearing their opinion as to what is the proper course for the officers of the international union to take. Accordingly, such a conference took place on Saturday, December 27, at which the officers of the international union stated their position before the conferees and asked the opinion of the conference. The conference, however, under the guidance and direction of President Gompers, of the A. F. of L., thought that merely to advise the members of the G. E. B. would not be enough, but that they could serve a much more useful purpose if they would use their influence to eliminate Prof. Hourwich as chief clerk. The result of the deliberation of this conference, which received the unanimous consent of everybody present with the exception of the delegates of Local No. 1, who stated that they had no instructions from the organization to vote one way or the other. Following is the statement of the conference:

"DECEMBER 29, 1913.

"To the officers of the I. L. G. W. U. and joint board of the cloak and skirt makers' unions of New York and the affiliated locals.

"GENTLEMEN: Under date of December 16, the officers of the International Ladies' Garment Workers' Union and the officers of your joint board received a communication from the officers of the manufacturers' association in which they say that while they 'recognize fully the right of each party to the protocol freely to select its own agents, but since it is of the essence of the protocol that there shall be mutual respect in the daily dealings of the parties, it is obvious that neither parties can have dealings with a representative of the other whose deliberate purpose is to create distrust and ultimately destroy the protocol. Since we desire fully to perform our part of the duty of upholding the protocol and abiding by the decisions of the board of arbitration, we prefer not to be obliged to deal with one who has both insulted and assumed an attitude of dictatorship in the industry. We regret exceedingly to be obliged to ask you to designate some one with whom we may continue business relations, so that daily business may be conducted without more friction.'

"Upon receipt of this communication the officers of the International Ladies' Garment Workers' Union, believing a crisis had arisen which threatened the destruction of the union, and being anxious to have counsel and advice from men experienced in the labor movement and interested in the welfare of all those engaged in the cloak and skirt making industry, decided to invite representatives of the American Federation of Labor, the Central Federated Union of New York, the United Hebrew Trades, the United Brotherhood of Tailors, the United Cap Makers, the United Garment Workers of Chicago, and also representatives of the Workmen's Circle, to meet in the city of New York with the representatives of the International Ladies' Garment Workers' Union and the joint board of the cloak and skirt makers' locals of New York and representatives of some of its affiliated locals, for the purpose of considering the conditions that had arisen, and, if possible, to devise means by which the crisis might be averted and the stability of the organization insured.

"In accordance therewith a conference was held at the offices of the wage-scale board on Saturday afternoon, December 27, which was attended by repre-

representatives of all associations referred to above and which was presided over by Samuel Gompers, president of the American Federation of Labor. The situation which exists in the cloak and skirt making industry was fully discussed and carefully considered. By special invitation Dr. Hourwich attended one session of our committee and participated in the discussion. It developed during the discussion that the machinery provided for in the protocol for the adjustment of grievances and the transaction of business between the manufacturers' association and the local unions of the joint board of the cloak and skirt makers' union had come to a stop and that it was imperative to take some action in order to maintain the advantages gained by the cloak and skirt makers' unions.

"In order to fully understand the situation which confronted us it is necessary here to review some of the events which led up to the present situation. In the latter part of November the joint board of the Cloak and Skirt Makers' Union of New York, acting upon the authority vested in it, decided that the interests of the members of the union required that Dr. Isaac Hourwich should not be reelected to the position of chief clerk of the board of grievances. Acting upon this decision Dr. I. Hourwich was not reelected by that board. However, deferring to the wishes of some of the members of the union, the action of the joint board in refusing to reelect Dr. Hourwich to the position of chief clerk was submitted to a referendum vote of the members of the local unions. The names of no other candidates were submitted for election to this office, with the result that about 6,500 votes were cast for Dr. Hourwich, thus electing him chief clerk for the period of one year.

"We are informed by the members of your joint board that among their reasons for refusing to reelect Dr. Hourwich was the fact that his methods of administering the affairs of his office were not in harmony with the ideas of the joint board and not calculated to protect the best interests of the members of the unions.

"It is further necessary to say that the International Union of the Ladies' Garment Workers, which is the guarantor of the protocol, is responsible for the faithful maintenance of the agreement.

"Dr. Hourwich, during his incumbency as chief clerk, refused to consult with the officers of the international union, refused to recognize the authority vested in them by the constitution of the international union, thus making it impossible for them to fulfill the obligation imposed upon them as signatories to the protocol.

"From a statement made at the conference it was perfectly clear to us that a very serious situation had arisen—a situation which demanded such action as would protect the interest of the members of the union and preserve the integrity of the organization. With this situation and these circumstances before us it was the consensus of opinion that the following suggestions and recommendations should be made to the joint board, with the request that those statements and those recommendations be given careful consideration:

"1. We have considered both the merits and defects of the protocol. We are united in declaring that the protocol should be maintained in order that the advantages gained by the workers which were secured in the past as a result of the great strike of 1910 should not be placed in jeopardy, and in order that reasonable opportunity for further improvements may not be lost. To this end we recommend that your board declare itself to be in favor of the maintenance of honorable industrial peace through the continuance of the protocol.

"2. In making this recommendation we are not un mindful of the fact that the protocol does not provide sufficient machinery for the speedy and final adjustment of questions which the workers feel to be of vital interest to them. There has grown up in the minds of the members of the union a conviction that the board of grievances should have its authority extended and that upon it additional duties should be imposed. It is not necessary to state here in detail the nature of these complaints. It is sufficient to say that the proper execution of the obligations imposed upon the parties to the protocol demands that there shall be machinery for the prompt adjustment of every dispute which is brought before the board and which affects the relations of the parties to the agreement. In order that this prevailing dissatisfaction may be removed and confidence restored, we recommend that immediate overtures be made by the representatives of the unions to secure a conference with the manufacturers' association, the purpose of the conference being to provide either for a supplemental agreement or such modification of the present agreement as will provide for a disinterested person to act as chairman of the board of griev-

ance and whose function it shall be to decide any dispute that has not been or can not be decided by the grievance board itself.

"3. As stated above, we invited Dr. Hourwich to attend one session of our committee and requested him to give us an expression of his views. Dr. Hourwich did attend and gave us a lengthy statement of his position and of the views he entertained in regard to the protocol and the administration of the unions' affairs. From his own attitude and his own expressions, to say nothing of the information given to us by the representatives of the unions, we are fully convinced that the interests of the members of the union would be best conserved if Dr. Hourwich would withdraw from the position of chief clerk of the unions on the board of grievances.

"It is our judgment that the chief clerk should be a man who is familiar with trade-union policies and who is acquainted with the trade affairs of the industry, a man whose chief interest it is to promote the progress of the union and the welfare of its members, and who has such practical experience in trade-union affairs as would make him tactful in the administration of matters intrusted to him and at the same time determined to secure for the workers all they are entitled to under the terms of the agreement. We feel that Dr. Hourwich does not possess the necessary qualifications which would enable him to perform properly the functions of the office of chief clerk, and this notwithstanding any qualifications he may have in the literary and legal field.

"Being convinced of this, we recommend that your joint board request Dr. Hourwich to tender his resignation as chief clerk, and we further recommend that you elect to this position a man having the necessary qualifications.

"As an evidence of the interest of the trade-unionists of this country in the development of organization among the workers in the ladies' garment industry, we are authorized to say that the American trade-union movement will place at your service an experienced trade-unionist who will act in an advisory capacity to the chief clerk, who will render such aid as he can to the officers of your union. This service will be rendered without any compensation.

"The undersigned have been authorized by the conference to formulate this statement and to transmit this document to the proper officers.

"(Signed) JOHN MITCHELL,
Chairman.
"PETER SUSSMAN.
"WM. THOMPSON.
"HARRY KLEINMAN.
"JOHN F. PIERCE."

On December 30, the general executive board passed the following resolution:
"To the officers and members of the joint board of the cloak and skirt makers' unions of New York:

"GENTLEMEN: At the sixth quarterly meeting of the general executive board held in the city of New York, December 30, the following resolution has been adopted:

"Whereas in accordance with the decision of the board of arbitration rendered February 3 1, the international union has been made the guarantor for the joint board in its dealings with the manufacturers' association through the instrumentality of the protocol; and

"Whereas upon further decision of the board of arbitration on October 4 last, this guaranty implies a joint responsibility and joint cooperation of the officers of the international union with the representatives of the joint board in carrying out the provisions of the protocol; and,

"Whereas the present chief clerk, Dr. Isaac A. Hourwich, who since he attached his signature to this arrangement made by the joint board of arbitration has persistently and systematically attacked the policies of the international union and openly denounced its officers as the agents of the manufacturers' association, and has in every way tried to discredit them before our members and thus brought about a condition of affairs whereby he has made it impossible for the international officers to work in cooperation and harmony with him; and

"Whereas his policies are radically and fundamentally opposed to the policies and methods hereto pursued by the international officers; and

"Whereas it is the firm belief of the G. E. B. that the methods pursued by Dr. Isaac Hourwich are detrimental to the best interests of the members of our organization: Therefore be it

"*Resolved*, That the joint board of the cloak and skirt makers' unions be informed that under the clerkship and guidance of Dr. Hourwich the international union can not remain the guarantor for the protocol."

"Subsequently on January 2, 1914, the G. E. B. decided to submit to the members at large the recommendation of the conference committee as well as the resolution of the G. E. B., and to notify the locals that unless the terms of the resolution are complied with by January 15, the international union will be compelled to notify the manufacturers' association that they are unable to be the guarantor to the protocol in accordance with the decisions of the board of arbitration.

"The members of the affiliated locals of the joint board are therefore requested to act promptly on this matter and let us have a definite reply.

" (Signed)

A. ROSENBERG, *President*.
 "S. POLAKOFF, *First Vice President*.
 "M. SIGMAN, *Second Vice President*.
 "M. LAPIDUS, *Third Vice President*.
 "H. DUBINSKY, *Fourth Vice President*.
 "SAM LEFKOWITZ, *Fifth Vice President*.
 "I. S. FEIT, *Sixth Vice President*.
 "H. KLEINMAN, *Seventh Vice President*.
 "MAX AMBUR, *Eighth Vice President*.
 "B. WITASHKIN, *Ninth Vice President*.
 "H. STRASSBURG, *Tenth Vice President*.
 "A. MITCHELL, *Eleventh Vice President*.
 "S. SLOTHIN, *Twelfth Vice President*.
 "D. COHEN, *Thirteenth Vice President*.
 "JOHN A. DYCHE, *General Secretary-Treasurer*."

(Here follows a Hebrew translation of the foregoing:)

MR. SILBERMAN. Now, we might take up the matter of the grievance board workings. The grievance board is made up of an equal number on each side, and we sit as mediators and not as judges. We are, of course, to judge the question of right and wrong, but we do not sit there as judges. You say that the law is so-and-so, and the defendant is found guilty and must receive the minimum or the maximum sentence, as the case may be; but we try to mediate on all questions. We have had cases where I have been placed in the unique position of being the prosecuting attorney and also the attorney for the defendant at the same time. It was merely to bring out the workers when they got into that condition that they did not fear that they would lose their places by testifying, and I have interpreted for the board of grievances to get at the real facts of the case and the real facts that they wanted to get at. What we are trying to do is to try and get at the facts; we do not recognize the workman, we do not recognize the manufacturer, we do not recognize whether he is a large manufacturer or whether he is a small manufacturer; we recognize simply that justice must be meted out blindfolded. Now, the great trouble is that they magnify their troubles. If a manufacturer wishes to take a machine from one window, say from window No. 3 and put it at window No. 5, they immediately think that that means he is going to try and get rid of that operator. Instead of thinking that probably it is to the advantage of certain conditions to make that change; and they have such trivial complaints to make all the time. It was brought out yesterday that the year of 1913 there were only 17 complaints brought before the board of grievances.

Now, to my mind that shows that great progress and improvement has been made, because we used to have 70 in one day when we first started. It was more like a quarrelling affair than an affair for a board of grievances. It was a case of simply talking across the table; a case where each one insisted upon his rights and where each one considered the other to be in the wrong, and they all sat there and looked at each other across the table and accused each other with a certain amount of acrimony, and looked at each other with a certain amount of distrust. But what has happened? The simple matter of education has been going on during this time, perhaps not as much as we wanted it to do, but it has been going on, and a great mass of the cases have been disposed of by methods of conciliation by the clerks. The board of grievances is composed of manufacturers and of union people, the union people are paid for their work, and the manufacturers are not, and they must give up a great deal of time gratuitously and unstintingly to the work. We used to be pestered with a great deal of matter that should not have been

brought there, and finally we instructed the clerks that before they brought the matter before the board of grievances that they should agree upon a statement of facts, and if possible, to settle the matter, that they should do so; but before coming to the board of grievances they must agree upon a statement of facts, and in that way we could decide the legal part of it by a framed protocol law. Cases that come before the board of grievances are really more particularly cases where a precedent should be established, and they were mostly all cases where once a case had been decided in a certain manner it was always followed.

Now, as to the disciplinary action. From the manufacturer's side, we certainly have been very severe. Where a complaint has been filed and the board of grievances found that the manufacturer was guilty of violating any part of that protocol, our system has been that if it was a mild violation, a reprimand should be given; if it was a little more violent in its violation, a fine was imposed, and we have fined our members in numerous cases as high as \$500 for a breach of the protocol; and our records are open to this commission, where we have an accurate record of those cases, and we have always meted out the various punishments to every offending member. Now, what about the union? One of the customs is for each side to report what action has been taken in disciplinary matters. Why our answers, ninety-nine times out of one hundred show that they can not find the man, or they can't find the place, or he has been punished enough because he lost his job. Now, if they would, on the other hand, discipline every man that violates the protocol, that would have meant that they would have had to discipline so many that they really would not have had any union left, because the discipline would be very severe in that case.

Now, I heard something said about a black list. There is no such thing as a black list in the manufacturers' association. Personally, I don't remember in the entire membership that there are 10 who even take the time to learn or know who are working in their factory. There may be probably 10 high-class houses who need extremely efficient help, who might ask for a reference for a worker, and who would call somebody else up, but in the other shops I am positive there is no record kept; we have even gone so far, and I know it personally, where our clerks have taken men out of one shop who have created trouble, and not wishing them to be without work have placed them in other shops. Now, certainly, that does not show a black list in existence. On the contrary, it shows that we try to do everything that is possible to favor and settle matters without coming to any controversy with the men. Now, the question of the pay prior to the protocol and since. With regard to that, why if it is true that cutters have only been increased \$1, that only covers a certain few standard shapes; the certain few standard shapes have received \$24 a week for the workers prior to the signing of the protocol, but the great masses of the cutters receive \$12, \$14, and I think \$18 would be the maximum. In fact, I think there is a statement by one of the officials of the cutters' union that the increase has been at least 33 per cent since the signing of the protocol to what it was prior to the protocol.

Now, the pressers, under the old system they were working under a subcontractor and received very little pay, and to-day they must receive the minimum of \$22.

The great trouble in the operating department is that before the protocol each operator had a sort of submanufacturing system of his own. In other words, he had two, three, or four helpers, and he farmed out the work that he received; he received so much pay for the garment and then paid his helpers as little as he could, and in a great many shops that had a great deal of work those operators made as high as \$100 and \$125 a week. Now, since the signing of the protocol, that is not permissible, but each operator can only have one helper, and only one, and, naturally, when he can not farm out labor and has to work himself, he can not earn this big pay that he did earn formerly.

The CHAIRMAN. But he still pays his one helper?

Mr. SILBERMAN. One helper he still pays; but you can easily see that when he has two or three or four or five helpers working for him he is really not a laborer, but a manufacturer, only in a smaller way; and the great unrest, I think, in that branch of the business, of the industry—and it is the biggest unrest—is caused by that condition, that where formerly he did make enormous sums of money, now he can not make those amounts, and, as the first witness to-day said, the conditions and the styles changing does not permit it.

Now, we have the wage-scale board.

The CHAIRMAN. That is a pending idea, of the wage-scale board. It is not in existence, I understand?

Mr. SILBERMAN. It is in existence. I know it is in existence, because I had an experience with it the other day.

The CHAIRMAN. I want you to state it clearly, because I think it is in the record in a rather doubtful shape.

Mr. SILBERMAN. No; it is in working order; it has always been in working order, only not lovely. It is what the clerks used to do and is now recognized as part of the board of grievances. We had a little difficulty in settling certain prices, and I called for the wage-scale board. That consists of a representative of the association who is supposed to be an expert and a representative of the union, who is also supposed to be an expert. Now, what happened was this: A garment is shown; the union's representative is supposed to look at the garment and put down his figures for operating and finishing, and the association's representative is supposed to look at that garment and put down his figures for operating and finishing; then they are supposed to compare notes and see if they compare. Now, the trouble is that the representative of the association will put down the minimum, while the representative of the union will put down the maximum, so it will frequently appear that there is a great big gap between the two.

Now, if the board were clothed—or, rather, they are clothed—with power, but that what they say shall be final power; of course, the manufacturers' being of the higher. I would not say "higher," but being placed in the position where he knows he must abide by the decision of the workmen, as they frequently do say that they are not bound by any such decision; why, a case happened in this way: The expert or clerk for the union put down \$2.75 for finishing a garment and the expert for the manufacturers put down \$2.50 for finishing a garment; they compared notes, and the expert from the manufacturers came to me and said: "What do you think of that?" "Why," I said, "I think you are a little bit too low; you can meet him and decide the question." They both agreed then; that is, the expert for the manufacturers agreed to the price that was put down by the expert for the union; and that should really end the matter, and it is supposed to be expert testimony. Then the expert for the union goes over to the people he represents and asks them what would they want for the garment. Now, you can see the inconsistency of it. If the expert, so called, does not rely on his own knowledge, but has to ask the workers what do they think of it and then he changes his mind, then there can not be that amicable arrangement which we supposed this would solve. Now, even after they changed their price from \$2.75—and our calculation was really \$3, because we figured rather liberally—and we told them that we would pay them \$3, and the expert says: "Three dollars, boys; that is what you are going to take." And one will say, "How do you dare to ask me to take \$3 for a garment?" Now, we must educate the masses to meet a situation like that; we must ask the masses to abide by the decision of the expert, or else what is the use of experts? And that is the great trouble, or one of the great troubles that we have to contend with.

The CHAIRMAN. How do these men get their experience as experts? Are they men that work in the business?

Mr. SILBERMAN. Undoubtedly. They have not alone been workers, but they have gone through the various grades and have been foremen. The weekly scale would do away with the haggling, and do away with a great many of the difficulties that we have to contend with. I have tried the weekly scale myself, although it is supposed to be contrary to the rules. During election week, I think it was—I am sure it was—being the end of the season, we desired to cut up a lot of material and not caring to haggle over the making of the price, I asked the operators what they considered a fair week's work now at that time of the year, the end of the season, should be. They said, "Give us \$20 a week and we will be tickled to death." I said, "All right. Sit down; you are all going to get \$20 for this week." Then they told me, "It is going to be election day," and that had slipped my memory, but I said: "Never mind, as long as the arrangement is made, we will pay you what I said, including election day." The next day they changed their minds. I got down at 9 o'clock that morning and the foreman sent for me, and the men were not working; they were ordered by the officers of the union, as they claimed, that they can't work on week work; they must settle the price. I told them that irrespective of the union, irrespective of what the union did or did not tell them to do, they were going to work by the week, and they did not want to work by the week,

and we said if they did not want to work by the week we would have somebody else work by the week in their place. They started to work in a half-hearted way, and in the afternoon they stopped again. Finally, we got them to work, and this is what happened. The first operator made that week, after taking the election day out, which is one day, and Friday they did not work but half a day, and they lost three hours besides before they proceeded to work, the first man made 21 garments that week; the second man made 21 garments that week; the third man, who does not work on Saturday, made 19 garments that week; the fourth man made 21 garments that week; the fifth man made 21 garments that week; the sixth man made 21 garments that week; the seventh man made 20 garments, he does not work Saturdays; the eighth man made 21 garments that week; the ninth man made 21 garments that week; the tenth man made 21 garments that week; the eleventh man made 20 garments, and he does not work Saturdays. It simply was, by a strange coincidence, that all made the same amount of work, and even then we were benefited at that.

THE CHAIRMAN. That was what I was going to ask you.

MR. SILBERMAN. We were benefited by it at that, because what we wanted to pay for that garment, and if we had offered them that price, we knew they would refuse it, and still after soldering on the job, which they did, and after the election day, and the half day on Friday, on which they did not work, and Saturday being half a day, they hardly worked then, they still made out their wages, what we paid them, what we would figure at a very low figure.

THE CHAIRMAN. On piece price?

MR. SILBERMAN. Yes; on piece price. Even though they made what we paid them—so to me that is conclusive evidence that the piecework system introduced, even if they did solder on the job—

MR. J. H. COHEN. You mean week-work system, don't you?

MR. SILBERMAN. I mean week-work system, and it is natural they will not work as fast working by the week as they would work if they worked by the piece, and yet it still would pay. I think there certainly could not be an unanimous opinion either by the manufacturer or by the workers whether that would or would not pay, but I think it is an experiment that is very well worth trying.

Now, we have another matter here, the contracting shop and the manufacturers. The contracting system to-day is almost at nil. What has taken place has been changing from the contracting system to the manufacturing system, for this reason. The rules of the association and of the union on the piece-price plan are as follows: That where you make a garment inside, and you make a garment outside, the same garment, the price for the garment outside must be paid the same as for the garment inside. Now, it is reasonable to argue, then, that if you have to pay the same price outside as you have to pay inside, and you have to pay a foreman outside to oversee that work, and to pay the rent for that, it will cost you more to make the same garment outside than it will cost you to make the same garment inside. So, what follows? The contracting has been practically abolished and the manufacturing system has taken its place. A contract manufacturer will buy his cloth or will get his cloth from the manufacturer. He employs a cutter and produces that garment in the finished state and offers it to the manufacturer at a certain figure. Now, as that manufacturer is under, or is supposed to be under, union control—in fact I doubt very much if there is 1 per cent of the workers to-day that is not union—how is it? Why, that the workers there will make those garments at a figure at which they can be produced at less than the manufacturer in the uptown districts can do it; how is that? It is only reasonable to suppose, then, that they must work for less money there.

Now, if there are union men, and as I understand, and in fact am positive that the prices are made in these shops with a delegate of the union being present, and if the prices are agreeable to the union, why should not the same prices be satisfactory to the workers in the uptown shops? Because a tailor works on Fifth Avenue and does the same kind of work, why should he be paid more? Now, the remedy lies in their own hands. If the work is not being properly paid for in the downtown shops, why don't they remedy it and increase it? But that is not the case. The pay downtown is satisfactory because they do earn a living wage, in fact they earn as much and in many cases more than they earn uptown, because they do not haggle; and that has caused the contractors situation to be eliminated, or the so-called submanufacturers, which we do not recognize. He is a manufacturer only on a smaller scale;

he does a great deal of work himself. Then the social conditions in those shops are different; they have a sort of family group, and they work for less money—there is no doubt about that, and if they are investigated, they claim they are getting the scale, even if they are wrong—they claim they are getting a certain price for garments, and even books are prepared, which will show that those prices are being paid, when the fact is we know they are not being paid. I have investigated several of those conditions myself, and I know of my own knowledge they are not being paid. Consequently, if they are not being paid, still the prices on their books presumably show they are being paid, and there can not be any remedy because the social conditions in those shops are such that you can not get at it, and it is only as those shops get larger and are spread out and a new situation arises that it comes up, and then complaints come in.

The CHAIRMAN. As a matter of unrest among the members of the union, does this condition work to the creation of unrest—that is, the subcontractors' shops or subcontractors, and the difference in the prices paid?

Mr. SILBERMAN. It does cause unrest. That is one of the conditions. The problem is, for instance, a manufacturer has 50 machines going. Now, he can buy his garments for less than he can produce them, or at the same figure that he can produce it. The conditions have become so irksome that they don't want to assume the responsibility, they would sooner have somebody else assume that responsibility, and they simply curtail their inside plants and buy the merchandise outside, and when it is curtailed that naturally throws a certain number of employees out; but on the other hand, those employees find employment in other shops. But the worker who has been in the habit of working in an artistic shop thinks it beneath his dignity to work in an East Side shop, where he has been working, for instance, in a Fifth Avenue shop.

The CHAIRMAN. I have been in that condition myself.

Mr. SILBERMAN. Then you realize what it is. The unrest is not alone caused—the protocol can not create work; the seasonal conditions have been bad. We had an idea that by curtailing the hours and by curtailing the night work, that would prolong the season, but that has proved to be a fallacy, it can not prolong the season. When we have proper seasonal conditions, we have conditions which are better. In this season, where it has been an open winter, for instance, until the present time the season is bad, it naturally is bad, and no instrument that can be drawn by human hands can make a situation or change the conditions of climatic changes. We must have seasonal weather to have seasonal seasons. And I think a good deal of unrest has been caused this year by that and by the general conditions all through the country, all over, in all branches of business as much as in this industry, but there is hardly a business in existence that has not suffered from the time that we have been having. I think I have about covered everything I can say now unless the chairman wishes to ask some questions.

The CHAIRMAN. Mr. Silberman, can you tell us what proportion of the labor employed in the skirt and cloak industry in the city work for the protocol shops? Of course, if you know that, we can tell what number work for the non-protocol shops. Do you know that?

Mr. SILBERMAN. I do not know offhand, but the statistics we have been gathering ought to furnish that information.

Commissioner BALLARD. You say the trouble there has been in the protocol shops comes before this grievance committee. How are the complaints in the other shops settled?

Mr. SILBERMAN. They have no complaints in the other shops; that is, any complaints that they might make, as I understand it, is not even listened to. They are absolutely under union control, and the manufacturer has absolutely no voice in the matter.

The CHAIRMAN. The union probably would send a committee; you may know that or not.

Mr. SILBERMAN. I understand a complaint can be filed, and a delegate goes down there and listens to the evidence, and probably will render a Scotch verdict of "not proven."

The CHAIRMAN. All right, Mr. Silberman, if that is all you desire to submit. It lacks about six minutes of the time to adjourn for lunch, and we will adjourn and meet again at 2 o'clock in the room where we met yesterday (board of estimate and apportionment chamber), and we will adjourn until 2 o'clock.

(Whereupon, at 12.30 p. m., the commission adjourned, to meet again at 2 p. m. in the room of the board of estimate and apportionment.)

AFTER RECESS—2 O'CLOCK P. M.

(Here Mrs. J. Borden Harriman took the chair.)

Commissioner HARRIMAN. Will the meeting come to order? The commission would like to call upon Mr. Hourwich to give his testimony now.

TESTIMONY OF DR. ISAAC A. HOURWICH.

The CHAIRMAN. Would you be good enough to tell us first your relations under the protocol and what the relations are?

Mr. HOURWICH. I am the chief clerk and counsel to the Cloakmakers' Union of New York, which are represented in the joint board under the protocol.

The CHAIRMAN. How long have you been in that position?

Mr. HOURWICH. Since January 15, 1913; that is to say, to be more correct, I was formerly chief clerk from January 15, 1913, until midnight of January 14, 1914. Since yesterday, since midnight January 15, 1914, I have become chief clerk and counsel under the protocol.

The CHAIRMAN. Will you proceed now with your testimony?

Mr. HOURWICH. Yes.

Madam President and gentlemen of the commission, you have heard here various opinions as to the causes of the unrest which prevails at present in the cloak industry, in spite of the protocol. One of the causes—in fact, the only cause perhaps that has been assigned—is that there are demagogues, or, to be more correct, there is a demagogue, who is put into the situation, having been imported directly from Washington, and he has stirred up trouble, and there are some sensational newspapers who have helped him to stir up trouble.

Now, that explanation is very familiar. You will usually find that when there is any labor disturbance employers usually allege that the disturbance is due to demagogues and sensational newspapers, and that the good men are contented, and it is only the bad men who yield to the temptation and allurements of the demagogue.

Moreover, since it has been mentioned here that a great many of our people engaged in this trade have come from Russia, I might say that this notion is imported from Russia. The Russian Government also maintains that everything is all right in Russia, and everything would be all right. The people are contented, and would be contented but for a few demagogues and the newspapers that are stirring up trouble.

Well, I am not going to criticize that version of it. I will proceed immediately with the discussion of what I regard to be the offices of the union.

It has been stated here parenthetically perhaps that our union lives on trouble, and if there were no troubles there would be no need for a union. I do not take that view. A union is the necessary outgrowth of our modern civilization, just as a manufacturers' association is a necessary association of a budding industry, just as probably industrial combinations and so-called trusts, and are a necessary and inevitable step in our development.

The union is necessary not only where we deal with an association of employers who are engaged in business for profit—a union is necessary, and unions do exist in industries which are conducted by the Government, not for profit but for the common good.

We have got a very efficient union, the typographical union in the Government Printing Office, and why is it necessary? Not because there are demagogues who stir up trouble, and because there is always unrest, but for the very simple reason whether the employer is an individual, or whether it is an association of individuals, or it is a public institution like the Federal Government, or a State government, or a municipality, there is always some relation of employer and employed, and there might always be a conflict of interests, where the employer or the public employer, the Government, thinks that certain things ought to be required of the employee, and the employees think that they ought to have certain advantages and certain benefits which the general public does not realize are due to them. We have got that at present, for example, even in the Government service. The question has been raised in Congress relative to an increase in the wages or salaries of the Government clerks. That question has been before the public, especially in Washington, for some time.

It has been proved that Uncle Sam is not a fair employer, that Uncle Sam has not raised the wages of his wage earners for the last 50 years. Certainly nobody suspects Uncle Sam of trying to beat down his employees, but there

are two sides even to that controversy, and that is why I say a union does not thrive on conflicts. A union is necessary to represent two sides of the contract, no matter who the employer might be.

Another fault has been found with the working of the protocol, and that is that there are too many lawyers in the case.

Too many lawyers make trouble. Probably if there were only one lawyer the representative of the association alone, there would probably be no trouble, if the union had no lawyer at all. Now, I will say that that is an old-fashioned notion. I am a lawyer, and I am not trying to defend my profession. I have not been practicing law for a good many years. I have been engaged as a statistician by the Government, and I am quite fair to my profession. I know its faults, and I also know its advantages. A conscientious lawyer has certain duties toward his client, and he feels those duties, and performs those duties to the best of his understanding, which can not always be said of a layman, in a position of trust.

Now, that is an old-fashioned notion. When there was no protocol, no collective agreement, when there were individual agreements between one employer and one set of workers, then, of course, it did not pay them to go to court, because to go to court with no agreement means two or three years of litigation, and that, of course, does not mean anything. I was counsel for the very same union from 1897 to 1900. We had individual agreements. I brought a few suits on those individual agreements, more for the purpose of establishing the validity of the agreement than for the purpose of accomplishing results.

The fact is that it does not pay the litigant, but where a union deals with an individual employer, it does not have to have lawyers. When the individual employer does not perform his part of the contract, according to the view of the union, the union can simply quit work. They can go out on a strike, and that is the reason they can do very well without lawyers. I am not either a chairman of a picket committee, no matter what may have been said that I have been sending pickets out, which is not true. I can not go on the picket line; that is not my business. I do not know how to do it, and I would not do it. But what I can do is defend the rights of the organization in a written contract, under a written contract which has been written by lawyers, and which has been interpreted and administered by lawyers. The chairman of our board of arbitration is a very eminent lawyer, and consequently in a question of rights, when it comes up, you have got to have lawyers to interpret those rights, and the rights of the union.

Now, let me show you—of course there has been some slight reference about insisting upon rights. Now, let me show you how that works out in practice.

One of the witnesses yesterday referred to the case of J. C. Stratton & Co.

There was a stoppage of work—or, let us be plain about it, there was a strike—in the factory of J. C. Stratton Co. for the following reasons: There was a foreman there who was rather abusive toward all the employees, and on one day he insulted a 17-year-old girl, and insulted her in the grossest way. The girl became hysterical. The men in the shop were all Italians and became excited and quit work immediately and demanded the removal of the foreman. The association, of course, insisted upon its right; that they had no right to strike; that if a foreman abuses an innocent girl by insulting remarks, why, "you have to sit at your machine and file a complaint, and the clerk for the union and the clerk for the association will come, and they will probably render justice"; but men with red human blood may not be able to reason that way under sudden provocation.

When Mr. Dyche, who was at that time clerk, came to the factory to tell the men that they had to sit down to work, because the protocol would not permit them to stop work, that was a strike, and he took out his watch, and he told them, "I give you five minutes to sit down to work. If you do not sit down to work you will be discharged"; and he held his watch in his hand, and when the five minutes were up he told the employer, "Discharge those men," and 500 men were discharged. Later on some were reengaged.

That created a commotion in the union. It was law, of course. It was the protocol. It was trade-union discipline. It was all of that. He wanted to show that the union was faithful in the performance of its agreement with the association. As I understand—I may be wrong about it—he advertised even in the newspapers that there was no strike there, and everybody was at liberty to come and take the places of those people who had been discharged. The fact was that nobody wanted to take their places, because the news spread like wildfire, and what was the results? The general secretary of the International

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Ladies' Garment Workers' Union secured a contractor to fill the orders of that firm while the men were out. That was the work of a man who thinks he is a trade-unionsist.

Now, let us see how a lawyer proceeds in that case. My first entrance into this situation was on the 23d or 24th of January, 1913. I was called on a long-distance telephone from Washington. I found a very peculiar situation. Mr. Silberman, the president of the manufacturers' association; Dr. Abelson, the clerk for the manufacturers; and the deputy clerks went on strike. They went on strike; I mean it. They declined that they would deal with the union, because there was a stoppage of work in one factory; and therefore they said, "Until you will send those men to work we are not going to deal with you," and what was the result? The result was, of course, I was called in.

Now, I looked into that situation, and I said, "No; you have no right to do that. If you have a grievance against one shop, against the workers of one shop, bring it before your board of grievance. If necessary, and the board of grievance fails to give you justice, bring it before the board of arbitration; but you have no right to take the law into your own hands. You have no right to go on strike. You have no right to stop the machinery of the protocol in 499 shops, which are in no way involved and whose employees are in no way responsible for the transgression of the people of that one shop."

Of course, I was immediately referred to precedents established by the former chief clerk, by Mr. Dyche, on December 6. On December 6 I was told that is on record, while there was a stoppage of work and the association stopped up the machinery, and then when work was resumed, why again they resumed the operation of the protocol. On December 17 a similar state of affairs occurred. There was a stoppage of work in one shop, and when the stoppage of work discontinued, why, they stopped up the machinery. Of course, they said they stopped up the machinery, and then the machinery was set in motion again when the men went back to work.

Now, I said, "You are wrong. This is anarchy"; and over that matter, of course, we disagreed before the board of grievances. The board of grievances, or course, was presided over—or one of the members of the board of grievances was Mr. Silberman himself. This question then came before the board of arbitration. We did not ask for a meeting of the board of arbitration; the other side called the board of arbitration, and I will read to you what Mr. Brandeis said about that:

"It seems to us entirely clear that the action of the stopping of the machinery was an action which was in violation of the protocol, and that the contention that was made that by reason of the failure to observe—I mean the performance by reason of improper stoppage of work and the failure of individual officers to assert their authority, such as they had, to compel men to go back to work; failure of the policemen, as it were, to do their duty—did not amount to automatic suspension of the agreement. It seems to us that, while Mr. Silberman's action as a layman was not unnatural, under the provocation, as he understood it, it can not be legally justified, and that the proposition of law that was laid down in those various letters that it automatically put an end to or suspended the operation of the machinery which had been devised is unsound as a principle of law, and if we were called upon to act as arbitrators in passing upon it we should so declare unhesitatingly and emphatically."

That was my first entrance into this situation.

I found a condition of lawlessness, in which Mr. Silberman, then chairman of the executive committee of the manufacturers' association, and the whole of the machinery of the protocol on the other side, were engaged.

That extract was quoted, of course, was quoted from the stenographic minutes.

That was the work of the lawyer.

The layman said: "All right, stop up the machinery, we shall try to send the men back to work." Meanwhile 499 shops would have their complaint, and the complaints would get no redress and be uninvestigated. Because there is one obstreperous shop that does not want to observe the discipline, therefore 499 shops must suffer. I said, "Now, 499 shops shall suffer because some one in one shop committed a transgression of the protocol," and I was sustained on that proposition.

This was the work of the lawyer.

Now, I want, gentlemen, to make it perfectly clear that I have not been, in fact, a conciliator at all. I am accused of not having been a conciliator. The fact is that that was not my office. While in name I was chief clerk, by order

of the board of directors the work was divided between my assistant and myself in the following manner: All cases in which conciliation was to be engaged in were assigned to him. If he and his chief clerk on the other side could not agree, in other words, if the conciliation failed, then those cases were referred to me, not for conciliation any more, because whatever efforts at conciliation could be made had been made, but for the purpose of bringing that matter before the board of grievances, and eventually before the board of arbitration.

As I characterized it once, the situation was this: We had a secretary of state and a secretary of war. The secretary of state was my assistant; he was to use diplomacy, conciliation, and mediation. My office was to go to work, and naturally when I went to work I fought with all the vigor that I have.

There were only very few cases where I was called in to try conciliation, and I shall presently relate my experience on them; but I want first to make reference to one statistical figure. You heard Mr. Winslow here yesterday testify to the number of cases that were referred to the board of grievances, and as you understand, cases are referred to the board of grievances only when the clerks who are the peace officers and mediators have failed to accomplish results.

Now, during the first 2 years or, say, 21 months, from about the 1st of April, 1911, to December 31, 1912, there were 166 cases before the board of grievances, on an average 8 cases a month. During my incumbency—during the nine months of my incumbency, or, to be more correct, during the first 8 months of my incumbency, as I came in the latter part of January, there were 13 cases—one and a half a month.

Now, if we are to judge by the number of cases referred to the board of arbitration by the pugnacity and temperament of the chief conciliator, I think I have made a fairly good record.

Now, let us go next to the essence of the protocol. What is really the protocol? The protocol is an agreement that differs from other agreements in this respect: That in substance it substitutes arbitration in lieu of strikes. Conciliation, of course, is the first stage and arbitration is the next stage.

I believe that this is a sound principle. I believe that the protocol as it was framed, with all these imperfections, for which, of course, we must allow in every human document, was a good document. Let me read to you what are the functions of the board of arbitration under the protocol. The second paragraph of section 16 reads:

"To such board shall be submitted any differences hereafter arising between the parties hereto or between any of the members of the manufacturers' association and any of the members of the union."

The provision is very clear. It makes no distinction between questions affecting the whole organization on the one side and the whole organization on the other side, and questions that may affect one employer, and the employees of one shop, or even one employee of one shop. Both classes of cases come within the jurisdiction of the board of arbitration.

In other words, if conciliation fails in the case of one employer and one employee, if the board of grievances can not agree, because there may be a question of principle involved, in that case an appeal may be taken to the board of arbitration. In practice we have not had any arbitration of individual disputes. The board of arbitration has been in session only six times. The first time it was in session was in March, 1911, to devise some improvements in the machinery of the protocol. At that time the clerks were created. After that there was no session of the board of arbitration until February 3, 1913—for nearly two years.

I was the one who introduced the custom, or rather reintroduced the custom of calling the board of arbitration, and even I have not succeeded yet in getting the board of arbitration to consider individual disputes.

The next session of the board of arbitration was in February—late in February or early in March—upon the question of legal holidays, again a general question, not a question affecting one particular shop or the dispute in one particular shop.

Then, again, the next session was in August, 1913. Then, again, there was a session in the early part of October, I think the 4th, 5th, or 6th, if I am not mistaken. The dates are here, gentlemen, and if I am in error as to dates that can easily be corrected later on.

Then, the last session was on October 12 and 13, and in all those cases only broad, general questions were considered, which affected both organizations as

such, and did not affect any individual disputes. These would, of course, have affected individual disputes so far as general legislation may affect the welfare or rights of individuals, but they did not settle any individual disputes.

Now, what is the reason for it? I take it there are two reasons for it. One is the personnel of our board of arbitration. I said at one of the sessions of the conference that we had that we have justices of the Supreme Court, but we need justices of the peace; and it would be, of course, out of place to expect Chief Justice White to sit down to try a small case which is within the jurisdiction of the Justice of the peace, for the very same reason considering that Mr. Brandeis and Mr. Holt and Mr. Hillquilt, our three arbitrators, are busy men, who can not give their time to all our individual squabbles—we never call upon them.

I said Mr. Hillquilt. I want to say that our principal arbitrator is Mr. Hillquilt, but when he fell sick last year and left for Europe, and we did not know how soon he would return, we succeeded in obtaining the services of Mr. Weyl, who, of course, like the other arbitrators, gives his time free, as a substitute for Mr. Hillquilt, and I made that perfectly plain before the conference which was held last July between the manufacturers and the unions.

Now, these three gentlemen give their time freely and, of course, you can not drive a willing horse to death, as they say. But, at the same time, that is no advantage to us, as we have outlived that period when we had to call upon public charity. Public charity is too expensive.

I can give you one illustration: We had a good many complaints that the wages which are stipulated in the protocol are not paid. It is all right to stipulate wages in the protocol. It is all right to grant an increase of wages, but you have got to see that these wages are paid, and there are a number of employers who do not pay those wages. What can we do? Of course, we can complain, and I must say that I do not know of a single case where the board of grievances—in fact, it never comes to the board of grievances—I do not know a single case where the chief clerk on the other side, or the deputy clerk for that matter, should not decide to pay those wages and to force the manufacturer to pay those wages; that is faithfully done by the association, but there is a colored gentleman in the woodpile.

That fact is this: That an arrangement was made two years ago—between two and a half years ago—between the manufacturers' association and the unions at the board of grievances that wages should be collected only for that week for which complaint has been made. The theory of it is this: That the manufacturer who does not pay according to the scale and the workmen who accept payment below the scale are both equally guilty of a breach of the protocol and, being equally guilty, neither of them should have recourse to law—to the protocol law, of course; but if he comes and makes the complaint he gets reduction for that last week. Now, I will say that is a proposition of law which is unsound, and it is unsound for the following reason: While the workman is punished for having worked possibly half an hour without reporting to the union, the manufacturer is not punished at all; he pockets the money.

Now, I say if that matter were to go before a court of law, I claim that I could win that case for the workman for the full time for the following reasons: The protocol provides certain rates of wages. It provides that any one who belongs to the union, and works in a union shop, is working under the protocol, and consequently the rates of wages are stipulated by the protocol. Moreover, the protocol provides specifically that no individual agreements between the employers and the employees are permitted. Consequently it could not be objected in defense of the manufacturer that the workman, by accepting lower wages than the stipulated rate, waived his right or acquiesced in a new rate.

That would not hold. If he is entitled to twenty-three and a half dollars, and he gets seventeen, that means he has received seventeen on account, and six and a half dollars are coming to him. And if he went to law, he would collect it; but we have stipulated that we shall not go to law. But the manufacturer who transgresses the protocol pockets the money and the workman goes without. Now, the question is, why does not the workman complain immediately? It is for a very simple reason. He usually complains when he expects to quit the job, because he knows that if he does not some reason will be found to get rid of him, and the union will be unable to protect him, because in order to protect him, of course, we shall have to prove discrimination for union activity. The burden of proof will be on us. The manufacturer, under the

protocol, has the right to discharge a workman any time, without any cause. That is the right of the manufacturer. We have not abridged that right of the protocol, except for one cause—a man must not be discharged for union activity.

This is called unfair discrimination in the protocol, and consequently we have got to prove, and it is not always an easy matter to prove to the satisfaction of the manufacturers that there was unfair discrimination, and that the man was not dismissed simply for incompetency, or because there was no room for him in the factory, because the manufacturer wanted to reduce his staff.

Now, that being the case, of course, we might go before the board of arbitration, but the board of arbitration does not arbitrate, and what can we do? Then, really, the man has no redress, and having no redress, he does not want to complain, and for this reason we know that in a good many shops the wages stipulated by the protocol are not paid, and if you desire proof I shall immediately cite it. We have had a statistical investigation. That statistical investigation brought out the following facts:

There were canvas cutters; in fact they average \$16 a week, the protocol rate is \$12 a week.

Now, that was very singular. While the manufacturers are obliged to pay only \$12 a week to canvas cutters, who are really apprentices, they pay them \$4 above the scale, 33½ per cent above the scale, whereas the regular cutters, mechanics, skilled men, asked for an increase from \$25 to \$30; that is to say, \$5, or 20 per cent, and they could not get it.

Now, is it not singular that a manufacturer should refuse four or five dollars to a skilled mechanic and give it voluntarily to an apprentice, while they did not even ask for an increase? Now, the fact is very plain: Those men were not canvas cutters at all. They were regular mechanics who were paid under the scale.

Now, that is a fact, statistically demonstrated. Now, you see, then, that one of the first fundamental principles of the protocol is not observed. The wages stipulated by the protocol are not paid. I should not say that they are never paid, but in a good many cases they are not paid, and why? They are not paid because we have no remedy to compel the payment of the wages and at the same time to protect the claimant against discharge. That is why we want to insist upon our rights.

Now, I said that the first thing was the absenteeism of our board of arbitration. Now, this question was submitted to the board of arbitration last August; it has been before them since that time, and they have not found the time, as yet, to consider this question. It could have been disposed of in probably an hour or so, but they have not found the time to consider this question up to the present date. That means four or five months, and during those five months people were underpaid. I do not know how much they were underpaid, but I fancy it would pay us to engage arbitrators on a salary, and we would still be in. We would still have a balance left for the benefit of our men. The theory is that they are in parte delicto—to use a legal phrase; they are equally at fault, because one accepts lower wages, and the other pays lower wages, but it is certainly not fair to say that a workman who has a family to support and who is threatened with dismissal if he will not consent to lower wages, that that man is equally at fault with the manufacturer, who can dismiss him at any time, and wait until the board of arbitration will find him guilty of unfair discrimination.

Madam President and gentlemen of this board, you have heard here to-day the case of the president of the manufacturers' association. A member of the board of grievances told you that he told his men, "I want you to work by the week, although the protocol provides that you are to work by the piece," and when he was told that under the protocol they had no right to do so, he told them, "Right or no right, you have to work, or else I will find others." That was said by the member of the board of grievances, by the chairman of the manufacturers' association. Now, if a member of the board of grievances, who more than once presided at the board of grievances, can tell that to his workmen, you can very well see why a workman will accept a rate which is not in conformity with the protocol rate.

Now, I spoke of the absenteeism of the board of arbitration as a question of a fact, but there is also a theory of law, and I will read to you that theory of law:

Pages 895 and 306 of the minutes of the session of October 13, 1913, of the board of arbitration says: "For the proper working out of this scheme of

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getting "a result, which is to be mutually reasonably satisfactory to both parties, the thought has got to be a great deal more upon duty than upon rights, and every one must recognize, as he does in the ordinary affairs of life, that if he is all the time endeavoring to exact to the uttermost penny, and to the uttermost limit, full performance from the other person instead of considering whether he is giving full performance there is not only going to be a great deal of friction, but the best results will not be attained.

"That seems to us to be an absolute essential of the working out of the protocol. It never was intended to be and it can not accomplish the results of a court of justice."

The theory, then, is that the protocol can not accomplish the results of a court of justice. When a man is underpaid he ought not to demand his pay to the uttermost penny, but ought to see whether he is giving full performance and look toward his duty, and then, if he will insist upon getting all that he is entitled to the best results will not be accomplished, because the manufacturer who will have to pay up will be displeased, and the amicable relations between the manufacturer and his employees will be disturbed.

Now, I must say, with all due respect to our board of arbitration, as a citizen I dissent from that statement. I say that this is a misconstruction of the plan of the plain provision of the protocol. I do not know what was intended by anybody. I know what was said in the protocol, and when the 50,000 workmen went back to work they were told they should not strike, but they will be given redress of all the grievances between any members of the manufacturers and any members of the unions. That has not been given to them. That is a denial of justice, and that denial of justice I lay at the door of the board of arbitration.

Now, there is a great deal to be said about the situation. Some people have already covered it. Mr. Bisno will follow me, and I hope he will make clear a good many of the trade questions for you. I will say, by way of introducing the testimony of Mr. Bisno, which I regard as part of my case, because the telegram which was sent by Mrs. Harriman asked me to hire others of my associates who could help me by their testimony, and upon the strength of this request I asked Mr. Bisno to appear here.

Now, Mr. Bisno, I will say by way of introduction, was formerly chief clerk of the union. He was given his passports, to use a phrase that was used by the counsel for the manufacturers' association, before the board of arbitration last February a year ago—he was given his passports because he was a jingo. Now, I want to say I have known Mr. Bisno for 20 years. Mr. Bisno, I will say without exaggeration, is a Christlike man. I have observed Mr. Bisno showered on by insults for two or three hours. My temperament, Madam President, would not have stood that. But that man stood placidly and did not say a word. Finally, a reference was made to the way in which he proposed to his wife some 20 years ago. Then he said very calmly: "Here I draw the line."

That man who will never answer by a word of abuse to hours of insult; that man was called a jingo; that man was temperamentally unfit for the work of conciliation; that man was forced out of the situation by the demand of the manufacturers' association. They said, if this man is going to be the chief clerk, why, the protocol will be broken. Of course you can see by my voice that I am a violent sort of wild-eyed anarchist, but he was very placid, and you will hear him talk.

Now, this man has been a tradesman, after that, for four years he was deputy factory inspector under Mrs. Kelly, and she seemed to have managed him quite well. Subsequent to that he was a special agent of the Bureau of Labor in the investigation of women and child labor. I have never heard that there was any trouble there. As far as I know, from people who have met him, he was held by everybody in high esteem, but when he came into this situation, why, he became a jingo. He had to be fired in order that the protocol might continue to the satisfaction of the manufacturers' association.

Now, he will tell you a great deal about trade-union questions, but I want to say only this: We have got a great many troubles. We have a system of piece-work where we have got continuous bargaining. In that process there are about half a dozen men in every shop that have to do the bargaining for the rest of the shop. They are in the firing line. There are 500 association shops. That is to say, about 250 inside shops and about 250 so-called outside shops. There are, in other words, about 3,000 men, who are in the vanguard of this union, and none of those 3,000 men is secure from discharge.

Of course, I do not claim that every one of them would be discharged, but it is not necessary to discharge every man. If one man is discharged, or discriminated against, in other words, he is not given work—and there are many ways to kill a dog—if he does not get his due share, then the union can not protect him, because there is no machinery of law, because the board of arbitration says, "Look on your duties; do not look to your rights. If you are fired, you ought to be satisfied that the best results will not be attained if you are not fired, or if you will complain."

Now, under those conditions there is no wonder, as one of the witnesses testified here, Mr. Leader, who, by the way, is not my superior; he is on the other side of the fence—as Mr. Leader testified that in association jobs they are not getting as good wages as they are getting in nonassociation shops. Now, I shall not go into this question any further, because I have a good many other things that I want to cover.

Now, let us go to the work of the board of grievances. The records of the board of grievances previous to my coming here are very fragmentary and imperfect. It is not boasting, but I have simply introduced a rule that at every session of the board of grievances we must have a stenographer, and we have stenographic minutes. Previous to that, to my knowledge there was only one conference, late in December, 1912, at which there was a stenographer. There may have been one or two more of which I have no knowledge. I have not seen those minutes, but as a rule the minutes were kept by the clerks, or the secretaries on each side, and those minutes are so fragmentary that when I engaged a professor of the University of Pennsylvania to look them over he told me he could not make head or tail out of them. Now, those minutes have been, we are told, classified by the statistician of the board of arbitration. Now, here I want to say something about the statistician. I want to say that I am from Missouri—"I want to be shown." I shall submit to you a transcript of all the minutes of last year, so that this commission may judge for itself whether the conclusions of the statistician are correct. That is to say, it is one thing to state a fact and another thing to state a conclusion—to arrive at a conclusion from certain facts.

I have been a statistician for a good many years, and I want to see the original material and the methods by which these conclusions have been arrived at before I will subscribe to the statement that, practically speaking, there were no disagreements on the board of grievances.

You have heard here the statement of Mr. Leader, who for a year was one of the members of the board of grievances, and he told you that there were constant deadlocks. I have seen myself a number of deadlocks before, and I have heard from others that there were constant deadlocks, and now the statistician comes and tells us that there were practically only nine deadlocks, and inasmuch as they occurred during the year 1913, when I was there, it means that I made all the deadlocks, and that previous to my advent into this situation there were no deadlocks. I will simply say that I am not going to subscribe to that until I am shown; but, moreover, I want to make the following statement: There are a good many very estimable gentlemen, men of very high character, in this community who are not statisticians, and therefore it will be no disparagement of Mr. Winslow if I show he is not a statistician.

Mr. Winslow never received any theoretical training as a statistician, neither has he ever had any experience as a statistician until Mr. Brandeis made him a statistician.

Mr. Winslow was never employed by the Government as a statistician; and I say this is one of the complaints that I have against the board of arbitration, that an investigation which involves the interests of possibly 20,000 people has been placed in charge of a man who does not know anything about statistics; he has never been a statistician.

I regret to be obliged to say that here; but when the statistics are paraded before us, to the detriment of the workmen I represent, it is my duty to be plain-spoken. I was trying to be as polite as possible, when Mr. Brandeis, all of a sudden, spying in the audience Mr. Winslow, said: "Well, we are happy to have Mr. Winslow with us, and want him to be the statistician." Mr. Brandeis is a champion of efficiency. Mr. Brandeis has told the railways of this country that he could show them how to save \$300,000,000 a year by efficiency. Now, this was the first illustration. There was a job to be given to a statistician. What would a business house do? When Mr. Abraham Straus, of the department store of this city, needed a statistician he advertised. When the Government needs a statistician it announces a civil-service examination. Nothing

of that kind was done. Mr. Brandeis himself is not a statistician and no judge of statisticians. Why, we have another branch of this industry of the ladies' garment workers' union, a statistical bureau which was established in April, which is in charge of a man who has a national reputation as a statistician. It would have been plain courtesy to have asked him whether he could not undertake this job or whether he could not recommend somebody else.

When the protocol in the ladies' dress and waist industry was signed they provided for a joint board of sanitary control. Did they make a new joint board of sanitary control? Why, no. They asked Dr. Price, an eminent specialist in sanitation, who is in charge of our joint board of sanitary control, to enlarge the scope of his activity and take in also the dress and waist industry. When a board of arbitration was to be provided, did they look for new arbitrators? Why, no. The same board of arbitration which has been provided for the cloak industry was asked also to act as arbitrators in the waist and dress industry and other industries; but here was a statistical investigation, and we had a statistical division in the international union; and not a word was said, but Mr. Brandeis made Mr. Winslow his statistician in the same way as the Klug of England might make Mr. Winslow a peer.

According to the directions that were given by Mr. Brandeis, we were to cooperate with Mr. Winslow in it. It is the first time that I saw that these statistics have been prepared. I never had a chance to look into them before they were presented to this commission, and I must say that I am a statistician. I have held some responsible positions under the Government as a statistician, and I was at least entitled to look at them. If I am not a statistician, I might find some statistician who would look into those figures and tell me whether they correctly represent conclusions from the original data or not.

Now, I shall leave that, and I shall come next to the question of the relations of the international with these unions.

It is said that there was a lawyer, and that that lawyer raised the question of jurisdiction, and that was me. Yes; a lawyer raised the question of jurisdiction, but it was not I; it was another lawyer who did that; and I must say that I am pained to be obliged to refer to this matter every time it comes up. This question has been thrown at me more than once, in face of the stenographic minutes, which show exactly what was done. When I came before the board of grievances for the first time after the correspondence which I referred to, in which I told the manufacturers' association that it had no right to engage in anarchy, we had considerable discussion there, at that meeting, on January 27, 1913, and the following incident occurred. I said:

"We have agreed upon a plan to settle these controversies in a civilized way, and this is what we want to do: You gentlemen can not deal with me individually; I am nothing but an employee or an officer of this organization; I am simply carrying out the decisions of the organization. If you claim that anyone has done something in violation of the protocol, you have your machinery for taking the matter up, and it is possible that the board of grievances may have to settle the matter. What I contend is, so long as we are to live in peace the protocol can not be suspended automatically. Particular cases should go before the board of grievances or the board of arbitration, as necessity may require."

"Now, I want to make one correction here. There seems to be a little misunderstanding as to our organization—as to the situation of our organization. This protocol was made between the Cloak, Suit & Skirt Manufacturers' Protective Association and the following locals of the International Ladies' Garment Workers' Union"—and here I was interrupted by Mr. Cohen.

Mr. Cohen said: "That is not the case. The protocol was ratified by the International Ladies' Garment Workers' Union. At first it was drawn up between the locals, and then we insisted upon the international, refusing to deal with the locals. We hold the international responsible for the protocol."

And that was like a thunderbolt from the clear sky. I was absolutely unprepared for that because of the correspondence for two years previous, and the correspondence in relation to this was addressed to the joint board which I represented. The letters were quoted from, and the letters are here, and can be referred to, if necessary.

I replied to that: "That is a position, so far as I can see, that is not in agreement with the wording of the protocol."

Mr. Cohen then said: "If that is the issue, I must protest right now against any statement that our dealings are with the joint board in this protocol. In the first case, we have had cases before the board of arbitration, and the cases have been in litigation between the international and the association

under this protocol. They ratified the protocol; besides the signatures of its officers appear upon it. If you are going to take the position that we must be bound by the attitude of the joint board of locals, then the protocol has been utterly misconceived on their side, or it is high time that the joint board should instruct you, and the executive board should instruct you, that this is the situation. This is not a matter that our board will discuss at all—it is not open for discussion."

I replied then: "If that is not a question for determination, I move that we adjourn. All our letters have been sent on letterheads of the joint board. I will fully agree that you may have misconceived the situation, but we can not change the constitution of our union in order to meet with the views of the manufacturers' association. The protocol is between the Cloak, Suit & Skirt Manufacturers' Protective Association and the following locals of the International Garment Union, and they are enumerated." I then referred to the document. Mr. Silberman said: "I still claim that we are not dealing with the joint board, and do not care to go into any controversy with your board. Our counsel has made it quite clear that we are not dealing with the joint board, but with the International Garment Workers, and that is the only terms that we can take."

To this I replied: "This conference can not continue. I have nothing to do with the International Ladies' Garment Workers' Union. I am not an official of it, and I have no authority to speak in their behalf. Consequently, you may continue your negotiations with that body. Possibly you may be right about it. I am quite sure you are wrong, but you may be right. If you are, I am here without authority—I represent the joint board, and I am not an official of the international."

Now, I leave it to any fair-minded man, or to any body of men who are fair-minded, and wouldn't you say it was the lawyer imported from Washington that raised the question of jurisdiction—would you say it was the lawyer from Washington that raised the question of jurisdiction, or was it the joint board that raised the question of jurisdiction?

Now, this question, of course, came up at the meeting of the board of arbitration; it was really not a meeting of the board, but it was a conference at which two of the members of the board were present, and in which two of the members of the board participated, and that question was settled by the arbitrators, and their opinion was acquiesced in by us, and that is what they said. Now, this is what Mr. Brandeis said at the conference held February 3 and 4, 1913:

"Now, there is one other matter that has been discussed, and perhaps it is the root of the whole situation, and that is, the relation of the international. I think it is the opinion of Mr. Holt and myself that the real situation was that this agreement was made by the locals, the joint board, and those local unions, through the officers of the international; that is was primarily, therefore, legally, an obligation of the joint board, and that the international was bound by its constitution, and bound through its relations to the whole transaction, and also bound to the association, practically or substantially as guarantor that the agreement should be observed in all particulars. That is, it was to use the fullness of its influence and power to see to it that the joint board performed its obligations."

Mr. Brandeis went on to say further: "Now, I think that that substantially was what Mr. London stated his view of the situation to be. I don't think it is very important to discuss carefully what the legal effect of that is, but it seemed to us that as a practical matter this course can be pursued in any matters of moment—of course, most matters are disposed of through the deputy clerk and the deputies—but in any matters of moment, if the complaint is made to the joint board and addressed to the joint board, notice might be sent of a copy of that complaint to the international board, much as a man who had a guarantor on a contract would send to the guarantor a copy of his notice to the other party to the contract, so that he might be advised as to what the claim was, and that all rights, whatever they are, should be preserved."

And then further Mr. Brandeis said: "Our idea, I think, is exactly the same as yours, Mr. Hourwich. Nothing should be referred for action by the international until there has been a failure to act by the joint board; that is, the international should be strictly the guarantor of the due performance by the joint board, and the suggestion of sending these notices was that the international might at all times, and as promptly as possible, be advised of any claim on the part of the association that the joint board or some of its officers or agents or

members had not fully performed their obligations. That is the purpose of at once giving notice or sending a copy of any complaint or any requests in the nature of a complaint—communications generally—as you have stated. But that being the primary obligation of the joint board, there should be an equally extensive secondary obligation on the part of the International to see to the performance of that agreement."

And then Mr. Brandeis dictated the following letter, which the International was to sign, with the consent of the joint board, and with the approval of the joint board, and sent to the association:

"We have been requested by you to state the nature of our guaranty of the performance of the protocol and, with the approval of the joint board, to state as follows:

"We guarantee the due performance by the joint board of all of the provisions of the protocol. With a view to securing prompt action, we suggest that any complaint, request, or similar communication that you may have occasion to send to the joint board, that copies be mailed at the same time to us in order that we may duly confer, so far as this may seem to be necessary, with the members of the joint board in relation thereto."

This is all there is of that so-called guaranty with the International officers, that the International officers should duly confer with us, and that they should exercise their authority under the constitution to see to it that we performed properly. We signed it, of course, because we did not consider this was a matter we thought worth quibbling about.

I will say here that this led to two conflicts between the joint board and the International—two conflicts which have very much aggravated this situation. I had thought at the time that Mr. Brandeis sought to pacify the association for the defeat that they had suffered in regard to the question of the suspension of the machinery of the protocol, and also in regard to the question of the authority of the joint board, and to make peace in the family he made that suggestion; but, unfortunately, it has resulted in this: That Mr. Brandeis has placed the International in the position where it is claimed to have authority over the protocol, and there were constant conflicts between the International and the joint board, which have ultimately come to a very serious condition within the union itself. So much for this question of jurisdiction.

Now, let me go further to the question of conciliation. I have tried my hand at conciliation twice, and let me tell you with what result: Some time in March, if I am not mistaken—in February or in March—when I was in the most angelic mood, having just come from Washington, where everything is so placid, and having still maintained my habit of going to Washington, having maintained my connection with Washington, and running over to Washington once in a while to take a rest from this turmoil here, a shop strike occurred in the factory of H. Samelson, I think. The men there went out and did a good many things against the protocol; and if I did not give them notice that there was a strike, I would immediately have sent them back to work; but Dr. Abelson did not give me notice, and it was not an oversight, nor was it dereliction of his duty to his association either, as he understood it to be; it was a policy. Dr. Abelson claimed that it was optional with the association either to call upon the machinery of the protocol to send a man back to work or simply to discharge the men without calling upon us.

That was stated in a letter that was part of the case of Jaffe & Katz, later on. In that letter he claimed, as I say, the right of the association either to avail itself of the machinery of the protocol or to discharge the men. I hold that is absolutely contrary to the protocol. I shall have occasion to show presently that, under the protocol, the procedure is as follows: That whenever there is a strike it is the duty of the association to call upon the clerk of the union to send the men back to work, and then we do send everybody back to work. If he wants to discriminate among them, if he wants to discharge some of them, which of course we would not stand for, then the best thing is not to call upon us. At that time I was racking my head thinking over some relief, some remedy—and if I am not fired from the union I think I shall find a remedy by and by—but at this time I confess I thought I was powerless, so instead of looking to law I looked to conciliation. I do not quarrel with Dr. Abelson, and I did not quarrel with Dr. Abelson; I invited Dr. Abelson to dinner, which is usually accepted as a sign of good fellowship, and we had a very pleasant evening together. We sat in the Café Boulevard—which is a very good place, by the way; I recommend it to anyone who wants to go there; that is a free

advertisement—we sat there from 8 o'clock to about 2 o'clock in the morning; until some one reminded Dr. Abelson that he had a wife in Yonkers.

I had lived at that time 53 years in the world, and consequently I had a great deal to tell, and he was pumping me, and we were both Progressives, and we had a good many points in common, and so we were talking over matters in a very friendly way. But, if you will remember, there is a comedy by Moliere, where a creditor comes to a nobleman and wants to collect his debt, and the nobleman showers courtesies on the creditor so that the creditor does not feel like asking for his money; but once in a while he just injects a little question: "How about that note of yours, your highness?" So I, pursuing the same policy, I would switch off from the discussion on questions relating to Siberia and other places and questions of interest in the Progressive Party and the Socialistic Union, and come back to the question of H. Samuelson's strike and was asking him to do something for those strikers. I said, "I admit they are wrong, but they humbly beg the manufacturer to let them go back," and any manufacturer who wants to live at peace with his men, and when they come out in hand and want to be taken back after a two weeks' strike, it is probably policy on his part to take them back; and I told him that, moreover, the manufacturer told me he was willing to take them back, but was afraid of the discipline of the association, and he said Dr. Abelson would not let him take them back. So I was talking to him every now and then for seven hours, but Dr. Abelson did not see it, and he said it would be better for everybody that they should not go back to work. So 75 families were thrown out of work.

Is this conciliation? Is that a spirit of conciliation? Is that the temperament that is conducive to conciliation? Or is this autocracy? I must say that after that experiment I stopped meddling with conciliation and left it to my assistant, whose duty it is. My duty is to fight. A lawyer who appears in court is not expected to conciliate; when he is trying a case he is not expected to conciliate. Conciliation precedes the trying of the case, and if the parties could not come to a peaceful agreement it is not the lawyer's duty to placate the defendant; it is his duty to fight the defendant; and that is what I have been doing with all my might; and that is why I am called temperamentally unfit. It is not because I am temperamentally unfit, as they say, that they want to get rid of me, but because I insist on my rights. I can assure you I can put on my evening clothes and be as sociable as anybody, but when I have got to fight I put on my fighting clothes.

Now, there was another case, as I say; a second experiment where I tried my hand at conciliation. In that case it was forced upon me. Let me tell you the substance of that case. There is a universal custom in the cloak trade during dull times—and, as you have heard here, there are plenty of dull times there—every operator is permitted to use his machine for the purpose of sewing a dress for his wife or his sister or his daughter or his sweetheart. The power is there and nobody really considers it; it is a custom, and every operator thinks it is right, because it has been sanctioned by custom.

In one shop, that of S. Marcus, an operator—No. 3—he was known only by number, so he could not be blacklisted—operator No. 3 committed an offense, and the offense was as follows: The manufacturer gave orders that no one should sew his own work at the machines. Now, that was done after everybody had bought remnants of that same manufacturer for dresses for his family, to be made for Passover, and he expected to make those dresses right there in the shop on the machine. Of course, I admit the manufacturer had a right to do that; the machine is his property; the shop is his, the power is his, and he has a perfect right to tell the workmen not to work on those machines. Whether he was fair is a different proposition; but the protocol does not compel the manufacturer to be fair, and I can't enforce fairness. All I can enforce is right, and I am satisfied with right. Now, under those conditions, the man sat down and he was about to start sewing, and he put the dress into the machine. Right there he was caught in the act, and like a schoolboy, he said, "It is not me, it was him," pointing to somebody else. He said, "I was not sewing the dress, I was only spreading that dress." Of course, that was only an excuse. It is not everyone who remembers to think like the late Chief of Police Devery, who said, "Unless you are caught with the goods, it is all right, but if you are caught with the goods, you are all wrong"; and the man was discharged.

Of course, there was a disagreement. On the complaint, my assistant came to me and told me about that case, and the man ought not to be discharged; I

said: "You can't find that case, the man has no right, the manufacturer had a right to discharge him, and the man has no right." Now, that was the opinion of the lawyer, and that tailor was not satisfied. The man wanted to sew a dress for his wife, and he could not see the distinction between laws and rights; he did not know that there could be laws and also rights; he did not understand like his lawyer; possibly he does not understand the meaning of the protocol. He came to the joint board. Our joint board are also tailors, they don't understand the protocol, either, and everyone there was unanimous, because every one of them is sewing dresses for their wives, or their sisters, and so forth, and everyone thought if that right was to be taken away in one shop it would be taken away in all shops, and, tailorlike, they told me to go ahead and fight that case. Well, I had to go ahead and fight that case, when I knew under the law I could accomplish absolutely nothing; and I knew as far as conciliation was concerned, it had failed. Now, let me tell you what occurred. I read from the record of the grievance board's minutes of May 15, 1913, the case of Operator No. 3 against S. Marcus.

MR. JULIUS H. COHEN. How long do you intend to sit, Mr. Chairman? I ask because there are a number of manufacturers here who do not want to remain unless their presence is needed.

Commissioner LENNON. They can go for the afternoon, except yourself.

The CHAIRMAN (Commissioner Harriman). We expect to sit until 5 o'clock, and Mr. Hourwich will close at 4 o'clock.

MR. HOURWICH. I read from the record of the S. Marcus case as follows:

"Dr. ABELSON. There is a disagreement in this case. There are supposed to be written reports on both sides.

"(Dr. Abelson reads the report of the representative of the association.)

"Mr. HOURWICH. I am sorry I have not got the original statement of Mr. Zucker. It is on file in the office. But the facts as presented by Mr. Zucker show that this report [just read], is not quite complete.

"The CHAIRMAN. Couldn't you send and get his report?

"Mr. HOURWICH. Possibly, but it might delay matters. I will tell you in substance the same thing."

Then I proceeded and told the substance of it, and then Mr. Lefcourt, one of the members of the board of grievances, interposed and said:

"Mr. LEFCOURT. In view of the fact that we have no written report on the part of Mr. Hourwich, I do not think that we ought to proceed until that written report is presented."

That was a technicality. I read:

"Mr. HOURWICH. I will waive that report. I will agree to go on upon the report presented by Mr. Geld. It is not really material.

"Mr. LEFCOURT. I still think we have a right not to proceed with this case until the report in writing is in."

Then Mr. Julius Henry Cohen said:

"I think it might be better to let Mr. Hourwich finish his statement first."

The laymen stood on technicalities; my opponent did not wish to stand on technicalities, but wanted to go to the root of the case. Then I proceeded with the following statement:

"Mr. HOURWICH. I do not claim that the employer had no right to order his men not to do any work but his work; he was perfectly within his right, and he had a perfect right to order that no such work should be done. Furthermore, he had a perfect right to discipline any man who disobeyed the order. I don't dispute that. The main point is this, that it is a sort of usage in the trade, an unwritten custom, not a law, it is a custom that operators, when there is no work in the factory, are permitted to do their own work. As I say, I can not claim it is a law, but you know in our Jewish parlance there is a saying that a custom overrides a law.

"So you see, while not standing upon any legal ground in this case at all—I know that I have no leg to stand on if I am to make any legal demand—but without standing on the law, I simply say it is a custom. And the order was given. And if it is true that in this particular case the order was given—and I don't doubt that that was the object—if it is true that the order was given for the purpose of preventing the operators from doing their own work when the manufacturer was busy; and if it is further true that at that particular time the factory was not busy, I can conceive of the operator taking—well, the order was given for the purpose of attending to the business of the manufacturer, of the factory; but when there is no work there is no harm if I make a garment for my wife. So that I can see that it is quite possible that

he did not mean to disobey the rule as he understood the object of the rule. What he simply meant was, of course, when the factory was busy he should not do any work, but if the factory was not busy, and he had nothing to do, he might just as well sit down and sew a garment for Easter, for Passover, for his wife instead of sitting idle there.

"Now, that is the way I take it. And as I say, without raising any legal questions, conceding that in law the employer has a perfect right to discharge him, and under the protocol, he had a perfect right to discharge him—I say, just in fairness, talking as men to men, what was the offense of that man? He wanted to sew a dress or a suit for his wife for Passover, and there was no work in the factory that would really interfere, that would result in any interference on his part, with the billing of orders, and that is why he did it. Assuming that he ought to be disciplined, even for a technical disobedience of the order of the manufacturer, I will grant that. Well, he has been punished. He has been out for several weeks. He has been out during Passover, and you know that when a man is out of a job he has not a very good holiday at home. I really call upon the mercy of the court, rather than upon any questions of law, just for the sake of good feeling I submit to the board that this man ought to be reinstated. I say I have no case in law; I admitted that in the beginning."

Dr. Abelson replied as follows: "I regret exceedingly to be obliged to take a position against Dr. Hourwich, especially in view of the fact that he puts it on the question of good will. It is really a very difficult case. I have prepared here some statistics, not thinking they would come up in connection with this case, about reinstatement; and I would not be anxious to pass them around to the manufacturers of the association, because I think there might be some criticism against me. Wherever there is a question of really good will, where it does not dissipate the discipline in the shop, the reinstatements come before they get here. In this particular case it had developed into a question of veracity between Mr. Marcus and the operator. The garment was spread out on the machine, and Mr. Marcus says that he saw the man working on the machine. The man says he did not sew, but he had the garment spread out, and it developed into a question of veracity, and that is really only the reason why good offices and good will were not used. I really think it would be unfortunate to restate him, and I regret exceedingly that I must take a stand against your request for good will."

Then one of the members of the joint board, one of the manufacturers, Mr. Joseph H. Cohen, said:

"I am always in favor of being lenient with workmen who break the rules. I believe it is unjust to the manufacturer for us to tell him—It is an easy thing for us to say take the man back, but the question is, What effect will that have upon the manufacturer's factory?"

I said: "I have no fault to find with the disposition, from a legal point of view. What I claim is this, that the punishment was excessive; and I appeal to this body, not as I would to a court of law but as to a pardoning board, to put it in legal phraseology."

"Mr. JOSEPH H. COHEN. This board has no right to pardon at the expense of some one else."

Then I replied: "I would say that this board should not give an order to the manufacturer—I would not ask that—but the board could recommend to Mr. Marcus that in view of the fact that this operator has been sufficiently punished for the transgression of which he was guilty by being idle several weeks the ends of justice have been served, and therefore the board recommends that he be reinstated. I think that would not be offensive. I am meeting the objection that you do not want to break the discipline of the factory. In this case you do not break the discipline after all; if you recommend, you do not order. There is a difference between a recommendation and an order. If you recommend, of course, he is at liberty not to accept your recommendation."

"Mr. JOSEPH H. COHEN. A manufacturer who on being recommended by this board to take back a workman and who does not do it will always feel that he has offended this board, and it is not fair for us to place a manufacturer in a position where he will feel that way."

Then I continued: "Take the other side. Take the position the man is in. He has done something which is a violation of discipline. Very well. But you know there are different grades of punishment. A violation of a certain rule may be punished by fine, imprisonment, a term in the penitentiary, and capital punishment. Now, I claim that this is not a capital offense. It is a misde-

meanor, and four weeks out of a job is tantamount to a fine of \$100. You know that our city magistrates will hesitate before imposing a fine of \$100 upon a man for a minor misdemeanor. So I think he has been amply punished. And I think that Mr. Marcus, if that matter is presented to him in the proper form, will see that we do not want to override his authority; we simply ask him to be satisfied with the punishment that has already been inflicted."

"Mr. LEFCOURT. In this particular case I really am pleased to see the manner in which Dr. Hourwich presented it. It is really gratifying to see them come in here, as well as this board, and admit that the discharge was justified. That practically settles that case."

And, further, Mr. Lefcourt said: "I do not think, under the circumstances, that we really ought to suggest to Mr. Marcus, and aggravate the case, maybe, more, to reinstate that particular man."

"The CHAIRMAN. The foundation of this whole case is discipline. It would be the nicest thing in the world if this board could recommend the firm to take this man back, but the case would never have been presented here if it was a possibility. It would have been done by our representative and your representative. And as I see it, there is only one thing for us to do, drop the case just where it is. We could not recommend Mr. Marcus to take back this man."

Then the outcome of that case was that Dr. Abelson and myself were appointed a committee to go and see Mr. Marcus, and, of course, there was no use doing that. That was simply a formality.

Now, it shows conclusively that in the only case I tried to conciliate I was unfit to conciliate; I was temperamentally unfit to conciliate. A man must have a temperament for conciliation to be able to conciliate; I have not got that temperament.

The next case was a unique one, on which we agreed; there was one case, I will say, on which both sides agreed, and I think it will be interesting to this commission to know how we agreed. That is the case of Sperling & Sperling. In that case an operator was discharged. The clerks went to the shop and had the man reinstated. Under the rules, if an order is given by the clerks, it is binding upon both sides. Each side may appeal to the board of grievances, but pending the appeal the decision is binding. Mr. Sperling simply disregarded the order of the clerks and would not reinstate the man, and Dr. Abelson, in order to sustain the discipline in the association, placed the case on the calendar for the purpose of forcing the manufacturer to obey the order of the association—for disciplining the manufacturer. When we came there, there was an appeal from Mr. Sperling—and, by the way, the manufacturer took his own sweet time about appealing that case; for about three weeks he did not appeal—and I said until that appeal was determined the man was entitled to work in the factory, and compensation, since it was a disobedience of the order of the clerk. The manufacturers wrangled with me through 88 typewritten pages, which I think it took about four hours to speak, on the subject. Then, finally, I made the following statement:

"Let me be perfectly frank. I am privileged to state that if we disagree on this case I want to have the case determined by the board of arbitration. That is the real truth of it."

And then further: "I believe in conciliation. Here was a case of conciliation. The two clerks conciliated, and the firm became obstreperous and failed to abide by that conciliation. We seldom have had a clear case like this, where the representatives of both sides agreed, and if even then we can not get the firm to abide by the decision, then conciliation has proved a failure. It is not a minor case; it is not this particular offense. I want to bring before the board of arbitration a case showing clearly, better than statistics, that even when there is an agreement between the clerks—"

I did not have to continue further. There was an agreement on that case. The order of the clerk for the association, assented to by the clerk for the union, was sustained by the association, and I had to fight for it. That is called "bullying"—that I had been bullying the association.

Now, let me tell you of another case, of a stoppage of work. I shall probably be about two-thirds through, Madam Chairman, when my time arrives, but relying on the promise of Mr. Lennon I will continue to-morrow, or I will continue to-night, as you choose.

The CHAIRMAN. Mr. Hourwich, I think the commission will want to ask some questions. Would you prefer to go right ahead, or have some questions asked before the time is up?

Dr. HOURWICH. I shall then conclude with just one case now that I want to quote, and I will leave the balance for to-morrow, and then I will be ready to answer questions immediately. Of course, I reserve the balance until to-morrow, because I have not really closed the matter.

Now, there was a case of a shop strike, or a stoppage of work really, I would not call it a strike, in the factory of Vogel—L. B. Vogel. That factory had just moved to a new building, and there was one freight elevator out of order, and the other had a sign opposite: "Not responsible for accidents," and that was a passenger elevator. The building was not full yet. I think two floors were occupied. When the operators came and saw that sign, "Not responsible for accidents," they refused to ride on the elevator to the tenth floor; they were afraid. A telephone was received by me from Dr. Abelson to send them back to work, after they had gone out, and I said I refused to send them back. I did not want to be responsible if these people were killed. I did not want an accident to happen like the Ashe Building. I said: "Let us send our joint board of sanitary control to investigate the condition of the elevator, and if they say the elevator is safe, I will order the men back to work, but I draw the line right here, I will send the men back to work under ordinary circumstances, but not when their lives or limbs are jeopardized."

Well, that was done, and the elevator was found to be in good order, and they returned to work, and the whole thing was settled in two or three hours. This case was brought up in a letter addressed to us by the joint board in another controversy of Jaffe & Katz, from which I quote as follows:

"It is very regrettable that the position taken by your office in the recent case of the people of the firm of L. B. Vogel, who claimed that the elevator was not safe, is being duplicated here. In that case we were informed that it was humanly impossible to get the people back to work because their fear that their lives were in danger, and that therefore an investigation by the joint board of sanitary control should be made before the people went back to work. We had then called your attention to the logic of this position—that workmen could at any time claim that the working conditions in a factory endangered their lives and stop work. What we foresaw in the case of L. B. Vogel has happened in the case of Jaffe & Katz."

That was signed: "Paul Abelson, manager labor department."

I say the protocol is not abolished, but the rule of safety comes first, and if I am to be on the job safety first will be the method of my administration of this job. This may be "bullying," but it is my duty to do that.

I shall now conclude the first part of my testimony and leave the other matters for to-morrow, and I shall now be glad to answer such questions as the commission may require.

Mr. DYCHE. Madam Chairman, I desire to be heard on a question.

The CHAIRMAN. Not yet.

Mr. DYCHE. Madam Chairman, may I ask Dr. Hourwich one question about a statement he made?

The CHAIRMAN. If you will restrain yourself for a moment, you may be heard. Will you permit the interruption, Dr. Hourwich?

Dr. HOURWICH. Certainly.

Mr. DYCHE. I want to ask you, Dr. Hourwich, are you positive of your assertion that during a recent trouble I pulled out my watch and gave the workers just five minutes to return to work; that I went to Stratton's and gave them five minutes' time to return to work. Are you positive about that statement?

Dr. HOURWICH. I have read that statement in an official statement of Local No. 1 of the International Ladies' Garment Workers' Union. That statement was made by me on the official authority of one of the officials of the union.

Mr. DYCHE. Will you apologize if I show you your statement is false, Dr. Hourwich?

Dr. HOURWICH. If that statement is not correct I am not responsible for it.

Mr. DYCHE. Is it not correct that I wrote the following day to the newspaper and denied it in toto?

Dr. HOURWICH. I regret to say that I have not read it.

Mr. DYCHE. Will you apologize to me if that is incorrect.

Dr. HOURWICH. I have nothing to apologize for. If the statement is wrong, I am not responsible for it. If I am told that statement is incorrect, shall not repeat it any more, of course.

Mr. DYCHE. It is absolutely false, and with your permission, Madam Chairman, I will tell you the circumstances of the case; I think it is very important when a statement of that kind is made against an officer of the union—

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The CHAIRMAN. I think that will be corrected, Mr. Hourwich.

Dr. HOURWICH. I have said before, Madam President, that I have quoted from an official statement; relying on the authority of that local, I made the statement; if it is incorrect, it is incorrect. I can't say I have any personal knowledge of the fact.

The CHAIRMAN. Mr. Hourwich, I would like to ask you, are you opposed to the protocol as a whole?

Dr. HOURWICH. I am not opposed to the protocol.

The CHAIRMAN. Do you think the machinery of the protocol is defective?

Dr. HOURWICH. I do.

The CHAIRMAN. Entirely defective?

Dr. HOURWICH. Well, not entirely defective. It has one serious defect that ought to be corrected.

The CHAIRMAN. In what respect do you think it is defective?

Dr. HOURWICH. I think the most important defect is that there is no real board of arbitration. We want a board of arbitration that will arbitrate, and I believe the only way to do business in peace is to have a salaried board of arbitration. Moreover, in my own opinion, it would be a good idea, I think, to have a chairman for the board of grievances, what we call technically an impartial chairman or umpire. That would probably be a great improvement. That has been tried in other industries; for instance, it has been tried in Hart, Schaffner & Marx, in Chicago, and I am told it has worked very well; I am told by Mr. Illman, who is the representative of the union, that the scheme has worked to his satisfaction and to the satisfaction of all parties concerned.

I will further say that there has been a conference held by labor leaders in this city for the purpose of ousting me from my job, and the conference decided that while I ought to be fired, an impartial chairman ought to be provided because it is an absolute necessity.

The CHAIRMAN. You have spoken of deadlocks in the board of grievances; have you any suggestion to make to overcome the deadlocks in the board of grievances?

Dr. HOURWICH. The impartial chairman would overcome it. I would say, furthermore, in reality the board of grievances has now become a sort of appendix, and you know, Madam Chairman, an appendix is a thing that ought to be cut out; if we could do it in every case it would be well—that is what the surgeons tell us, that it is an organ that has become atrophied. They provided in the first place a board of grievances with two representatives on each side; then when they saw that unfit manufacturers swamped the business, they provided the institution of clerks, and the clerks are really doing the business for which the board of grievances was originally created. To make matters worse, they increased that board to five on each side, and the body has become more unwieldy than it was before. Of course, it is not easy to get five manufacturers to drop their business and come down and hear a complaint by men or by a man who has made—it applies both ways; I don't blame them. So I think this whole board of grievances ought to be abolished; there ought to be only the clerks as conciliators, and if they fail then there ought to be a salaried board of arbitration.

The CHAIRMAN. Do you consider matters have improved since 1910, since the protocol has been working?

Dr. HOURWICH. That is a question that it is very difficult to give a definite answer to. First of all, with regard to the question of whether wages have increased. Now, we have a system of piecework prevailing in the industry, and in order to ascertain what are the wages of the pieceworkers, a statistical investigation would be necessary. Nobody can tell that conditions have improved or not improved; those that say that they have improved, probably judge from a few cases or are actuated or swayed by their own predilection; those who say the conditions have not improved will probably be swayed by their prejudices the other way. But one thing is certain, that the protocol has broken down the spirit of unionism, the spirit of solidarity in the shop. People are intimidated; they are afraid to be union men—and let me tell you, you have to drive them into the price committee very often, as they drive soldiers into the army in Russia; the people do not want to go. There are numbers of cases where we have to force people on the price committee.

The CHAIRMAN. Has the membership of the unions increased?

Dr. HOURWICH. Even that can not be answered definitely. We have the data that can throw light on this proposition, because the number of people paying dues can be ascertained; but I assume the number has increased, be-

cause the manufacturers have got us to force people to pay the dues. We could not control the discipline in the shop if some of them were nonunion men—and let me tell you, the general reputation of the men is that they are first-class strikers, but poor union men, and if I was working all the time to send them back to work, what would they tell me? They would probably tell me that I should mind my own business. But when they are members of the union, and I can fire them from the union, they have to mind me. So there is a consideration for forcing the people to work in the shop—that in consideration of my forcing the men not to strike, whether they have grievances or not, in consideration of my becoming a strike breaker, the association forces everybody to pay dues to me—the strike-breaking agent.

The CHAIRMAN. Then, in other words, has not the protocol helped to strengthen the union?

Dr. HOURWICH. In this way that it has forced people to belong to the union; but whether they are willing to stand up for the rights of the unions or not is a question. We are told that the spirit in the association shop is a spirit of slavery; it is not the same independent spirit that you will find in the independent shops. There they may go to the other extreme, and they may strike on the least provocation, but here they will be afraid to stand up for their rights under the protocol.

The CHAIRMAN. Do you think that continuous arbitration in industrial disputes is practicable?

Dr. HOURWICH. It is; the question is answered when you answer the question What is continuous arbitration? Is continuous arbitration in the courts practicable? It is. And here, where we have several thousand cases, we have to have a trade court. They have it in Chicago, and it is practicable, and it will be practicable here. We will not have so many cases if we have a court to which we can have recourse, because then the clerks will know that unless they agree the case will go to a place where they can have a decision, and there will be more adjustments. The board of grievances will then render judgments immediately, more frequently, and the fact that there is a court of law in this city will keep a good many people from breaking their agreements. It is not everybody that will break their agreement, but when there is no law court the employer can tell them: "You will have to do this work."

The CHAIRMAN. Don't you consider it necessary to exhaust methods of conciliation before arbitration is resorted to?

Dr. HOURWICH. Certainly. We do that to our exhaustion. The clerks do that. But we must have a board of arbitration—that must be the supreme arbitrator—so that the board of grievances will know that if they do not agree there will be a board of arbitration which will force them to a decision.

The CHAIRMAN. Compared with previous arrangements, has not the protocol given you a more effectual outlet for your discontent, and so forth, than there was prior to 1910?

Dr. HOURWICH. I was not in this situation between 1900 and 1910. I was counsel for the union from 1897 to 1900, which is an appointment in Washington; but I take it that a comparison with previous conditions is really unfair, for the simple reason that there was no union at that time. The union was a negligible quantity, and any comparison—the union being organized in the strike, any comparison between the union and the organized concern would only concede—really, the only comparison to be made is between the protocol shop and the nonprotocol shop; and the fact that the members of the manufacturers' association have increased from 123 to over 250 to-day indicates that the manufacturers are seeking shelter in the manufacturers' association. I know on the other side, where there is no protocol—I will be candid to admit that—our people are sometimes overdoing the thing. There the manufacturer is, perhaps, often at the mercy of his men in the height of the season, when they can threaten a strike. Here the men are at the mercy of the manufacturer at any time.

Commissioner LEXNOR. Dr. Hourwich, if the protocol for any reason should be set aside, what will happen to the union, in your judgment?

Dr. HOURWICH. Well, I am not a prophet nor a son of a prophet. I really don't know. I believe that the union will live without the protocol, as it has lived under the protocol. Moreover, I believe that this is not going to happen, because the protocol is an agreement which is to the advantage of the manufacturer, and while there may be a few members of the manufacturers' association, the executive committee, who may think that it would be best either to terminate the protocol, unless they can lord it over us, I am under

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the impression that the rank and file of the manufacturers' association do not want any strife, they do wish to maintain the protocol, and they will not consent to have the protocol terminated on flimsy pretexts.

The CHAIRMAN. Some of the statements which you have made this afternoon lead me to ask you this question, Dr. Hourwich: Do you feel that it is impossible to work with the protocol because of the defective machinery, or is it because of the personalities now in the protocol?

Dr. HOURWICH. I do not desire to indulge in personalities.

The CHAIRMAN. It is because you mentioned several that I have asked you that question.

Dr. HOURWICH. Of course things are done by living men and women, and that is why I mentioned names. I personally do not blame Dr. Abelson at all, although I have made several references to him; neither do I blame any one of the members of the manufacturers' association; they are within their rights. I take it here that the protocol has not brought about a Utopia where everybody loves everybody else; the protocol has attempted to create a machinery for a civilized method of settling disputes instead of resorting to warfare, instead of standing on the street and begging and losing time; instead of doing that we come together and reason. One hundred years or so ago if anybody had a claim against anybody else he would go and fight for it. Now we have courts for that purpose. Courts have not abolished litigation, but they have abolished fighting. So I say the protocol has abolished fighting. I do not blame the manufacturer when he has had issues, when he is at issue with his men at times; even if he is wrong, from his point of view he is right; and those who are agents of the manufacturers have got to stand on the rights of the manufacturers, just as we have to stand on the rights of the union. I had occasion once to represent an employer with his employees in a strike—that was a theatrical manager. I was always with the laborer, but nevertheless I had to stand out for the rights of the theatrical manager, and I tell you I do not blame anybody for standing up for their rights, but they have to be settled by some sort of machinery.

The CHAIRMAN. I think that is all.

Dr. HOURWICH. At what time will you want me to be heard to-morrow?

Commissioner BALLARD. The first case you spoke of was the case of this young girl who had been insulted by a foreman, and thereupon the people went out on strike and were taken back.

Dr. HOURWICH. Yes.

Commissioner BALLARD. Were not those men able to protect this young woman in any other way than by striking?

Dr. HOURWICH. Take it from another point of view. Here is a brutal man who comes to a 17-year-old girl with an insulting remark. Put yourself in his place and see what you would do.

Commissioner BALLARD. In Kentucky, where I come from, they do things more summarily. We would have caught him by the throat and broken his head down there. Why didn't they get up and knock the brute down until he was nearly dead instead of merely remonstrating with him and threatening to call a strike?

Dr. HOURWICH. They jumped up and wanted to have that man removed.

Commissioner BALLARD. They don't do it that way in Kentucky. Now, Doctor, you spoke of the association shops, of the shop which gave full work to men if they were union cutters, but they put them on the pay roll as canvas cutters at a lower rate of wages.

Dr. HOURWICH. Yes.

Commissioner BALLARD. Would that be likely to continue any length of time, or would that come before the board of grievances in a short time?

Dr. HOURWICH. Evidently it did not come before the board of grievances, because two statistical agents examined the books of 45 firms at that time, and they compiled these statistics from the books, which meant that this was a secret agreement known to the union, and for the reasons I have given.

(At this point Dr. Hourwich leaves the stand.)

TESTIMONY OF MR. JULIUS HENRY COHEN.

The CHAIRMAN. Mr. Cohen, will you tell us in what relation you stand to the protocol?

Mr. JULIUS HENRY COHEN. Madam Chairman, I am at present the counsel for the manufacturers' association in the cloak industry, and also counsel for the dress and waist manufacturers' association; but I should prefer, if I am called

upon here, not to testify as a lawyer, but rather as one familiar with the situation, so that I may give my testimony freely.

The CHAIRMAN. Certainly; we understand that.

Mr. COHEN. I want, Madam Chairman, to avoid any personalities, because I sympathize with the purposes of this investigation. I understand the general purpose of this investigation is not to try any person, whether he is a lawyer or a statistician or a labor leader or a manufacturer, but that you are desirous of ascertaining scientifically the basis of the difficulties and how far this method, that is known as the protocol system, is a desirable method to be extended throughout the country.

The CHAIRMAN. Exactly.

Mr. COHEN. At the very outset, let me point out the fact that you are already aware of the fact that this is the most difficult industry in the world in which to try conciliation and mediation, for the reason as the last witness stated. The people in this industry are good strikers, but not good union men. He stated that as a fact, and in his experience here evidently he has learned that. In addition to that, you have been advised that there are inherent difficulties in this industry; that the haggling over piece prices in the shops takes place over every garment and makes for disturbance, and since there are no standards to go by there is nothing to discipline upon, and in addition to that that there is competition between the workers themselves for the work.

That you have been told. Now, introduce into such an industry the most perfect piece of machinery that has ever been devised, and that is not proven by any manner of means, and you will have difficulty; but if you add to it a single man, who occupies the position of counsel for the union and clerk for the union and leader for the union, who publicly says that the board of arbitration does not know its business, who attacks the officers of the International with whom he has to cooperate, and who has been found by the board of arbitration to have misled the people instead of educating them, and of course the protocol can not work.

Now, you have several times asked what is the present difficulty, and you have not had a definite answer. The present difficulty arises from this situation: When the protocol was entered into it was entered into in good faith with certain individuals who represented the union and certain individuals who represented the manufacturers. They did learn to believe in each other's word and in each other's good faith. One of those individuals was the lawyer, Mr. London, and the other was Abraham Rosenberg, the president of the International, and the third was Mr. John Dyche, the secretary of the International, and for three and a half years, or for rather two and a half years, we worked with those men, and they have learned to trust us and we learned to trust them. Now, they have been called traitors and agents for the manufacturers, and they have been thrown out of the window by the new counsel for the union.

Now, that being the situation, the manufacturers have been deprived of the moral support of the union with which they dealt when the strike was settled. They have been deprived of the moral support of the people who understood what was being attempted when the protocol was signed, and they have received notice from the International that if the situation is not changed so that these International officers can perform their obligations they will withdraw from their guaranty, the guaranty which was signed not only by the International but by the joint board, of which the previous witness is the leader.

Now, when that guarantee is withdrawn the protocol is without support, and if in addition to that the board of arbitration, which is the final tribunal in this situation, is discredited in the public eye by the attacks of a defeated litigant before it, of course the machinery of the protocol goes to pieces, and it requires no formal notice of termination from the employers. That is the present situation. Now, all of that is due to his principles, not to overzealousness, but to the fundamental conception of the purposes of the machinery of the protocol, the fundamental misconception of the function of the lawyer in this situation. The last witness was good enough to point out that in my capacity as counsel for the association I had cut out technicalities and gotten to the root of the matter. That is the secret of the protocol, to cut out technicalities and get to the root of the matter, and the clerks of the board of grievances are there for that purpose, not merely to make peace in the sense in which all conflicts between employers and employees shall be terminated. No power on earth would make for eternal peace, and it would be a bad thing if it did. There must be controversy and there will be controversy, but it should be done in an orderly fashion, and when the witness speaks of substituting industrial courts for war and

selects himself as the secretary of war he omits to state the fact that the protocol never provided for the office of secretary of war, and when that office is created in the union the protocol dies of itself.

That is the present situation—that there is a secretary of war in a situation that calls only for secretaries of state. The protocol does not fit the present incumbent, so the protocol has got to be cut to fit him. That is the present situation.

Now, you have heard from both sides—from the men who have worked right in the shops for the union and for the manufacturers—that conciliation in the shops is the only way.

Now, if my colleague had continued the practice of the law instead of getting into this angelic mood at Washington he would have discovered that the attitude of the lawyer has changed toward the efficiency of the courts in administering justice.

We know to-day, those of us who have studied the problem, that our methods of administering the law in the courts are unsatisfactory, because they are inefficient. We can not get at all the truth by calling witnesses to the witness stand and presenting documents and having rules, such as is sought to be invoked in this situation. The argument is founded upon the theory that by going to the seat of difficulty you can get at the facts, and if you proceeded as one would proceed in a court of law, with questions and answers and objections, and all that sort of thing, you would not get as much information as you are getting now.

It is because the methods of administering justice in the courts have broken down that the methods of the protocol are superior and in advance of the methods of a court of justice, and the fundamental conception of any closet philosopher, who has theorized in his study at Washington and has not lived with this situation as others have, is in assuming that you can create an industrial court that will settle and solve all these problems. Well, it must be assumed, then, that you can get the evidence of the most subtle things—the fact whether or not the employer has a grudge against this particular man, or whether or not this man is telling the truth; whether or not the shop discipline is being observed—those facts can not be obtained in the usual advocacy method of the lawyer, and that is the difficulty of this situation. The protocol has been turned upside down by the assumption that the only way to make it workable is to create a new industrial court, with paid arbitrators, to sit in judgment every day on particular cases.

And I regard it as most unfair to the men who have given their services gratuitously to quote a single or two sentences from their decisions as indicating an attitude which is fundamentally different in their decision read as a whole. What Mr. Brandeis says was that the work of the clerks and the work of the board of grievances had to be broader than the work of the everyday court, because they had to do more than settle the particular controversy by giving just the judgment in favor of one and against another, but they had to realize, as Dr. Abelsen told you this morning, that those people in that shop have to live there after the verdict of the jury and the judge's decision comes in, and so they have to do more than to stand up for the rights of each one; they have to find some way by which those people can live. The relationship in the shop is not the same as the relationship between husband and wife, but no court of law ever yet invented a method by which husband and wife can live together while determining from day to day what their rights are, and the method of getting people in a shop to work with their employers and the only method is by going to the shop, seeing what the difficulty is and adjusting that difficulty from day to day, and when before we had this great idea of having an industrial court to take the place of strikes, before we had that idea, you have observed that all of these cases, 90 per cent of them, were disposed of by this method of conciliation and mediation in the shops.

Now, what does it mean, to substitute for that court an industrial court, with a permanent and paid chairman; that means that all the technicalities and all the vigor and strength of advocacy comes into the administration of industrial affairs. Now, if the people of this country are so well satisfied with their administration of justice ordinarily, as efficiently as it is done, and I have only the highest respect for our judges and courts, if they are satisfied that that is the last word on the subject, then we had better put that into the industrial field, but if we have something which the courts of justice have not, by reason of the want of experience in the industrial field, we should not throw out of the window the thing that we have learned by actual experience here.

Even the courts are coming to conciliation; in the municipal courts of Cleveland, and the municipal courts of Chicago, there is a conciliation docket, and now in this city here, where the requirements in our municipal courts are being considered, they are intending to create a docket of conciliation in the smaller causes, because the courts have awakened to the fact that our cumbersome process of getting at the truth, and our complicated arrangement of getting at the truth, is always behind the times, and any man who has lived and practiced law in this community for the last 15 years has learned that lesson, if he was a trial lawyer, and my principal work in the board has been that of trying cases, and I say without hesitancy, and as a man who ought to know, that the methods of settling disputes under this protocol, by the method of conciliation and mediation are 100 times more efficient than our methods of trying cases in court to-day.

Now, of course, you have to have particular qualifications for the position of conciliator and mediator. The witness gave a number of instances where he failed. Well, in the world of common affairs the fact that a person fails as a conciliator is usually taken to be the best evidence in the world that he does not possess the arts of a conciliator. Conciliation requires consideration for the rights of the other man, knowledge of the other man's feelings, absolute frankness and candor, no garbling of the facts, and no distortion of the imagination, no misrepresentations for the purpose of gaining your point, because the moment the man you are working with discovers that you are seeking to get advantage of him by some other process than fairness, the conciliation ends.

Now, when the board of grievances converted into a trial court—you heard the gentleman say that he insisted on having stenographic records—whoever heard of conciliation by way of stenographic records? When people have got to speak for the record, they speak guardedly. They speak with regard to their rights, and to protect their rights, but when people want to conciliate, they go off in the corner of the room and talk in a fashion of man to man, and whenever that has been tried that has been successful. When the stenographic minute method is tried, it won't work and it has not worked.

Now, a good deal of information has been given about particular cases, and Mr. Ballard, some reference was made to the statistics with regard to cutters. The statistical report made by Mr. Winslow, with a corps of assistants under the direction of Dr. Walter Weyl, one of the members of the board of arbitration, show by an actual examination of the books of the manufacturers' association that the underpayment of the scale was less than one quarter of 1 per cent.

Now, to come here and make the charge that canvas cutters are being used in place of cutters, without having tried out that charge in the tribunal where it should be tried, is not only an indictment of Local No. 10, the cutters' union, which is charged with the duty of protecting its own members, but is an indictment of the international and all the other officers of the union as well.

Think of it! For three and a half years, if the charge be true, which we deny absolutely, that canvas cutters have been used as cutters all of this while, we have waited for the Industrial Relations Commission to come from Washington, and to have that charge made.

Now, a good deal of emphasis was put in the last witness' reference to something that Mr. Silberman mentioned this morning.

Mr. Silberman was trying an experiment in his shop for the purpose of seeing whether week workers could earn as much or more than pieceworkers on the same work, assuming that he paid them the rate per piece that would be fair.

He demonstrated absolutely that if they worked even with some loafing they would make more money under the week-work system.

The people in his shop said that was not provided for in the protocol, and it was not, but it was not a violation of the protocol, because there is not anything in the protocol that compels piecework in departments where week work might be introduced. That is a question that has never been settled as protocol law, and Mr. Silberman had a perfect right to take that position until that question was settled and to say that he broke the protocol is an unwarranted assumption.

Now, it has been said here by the last witness that Mr. Winslow's report is utterly valueless. Where does he get his information that there were no deadlocks on questions of fact? Well, I will tell you where I got my information—from the records before the board of arbitration, in which the last witness admitted that there never was any difficulty in getting an agreement upon facts.

I want to submit to this commission, if they will receive them, the extracts from his statement before the board which he now attacks, in which he stated that he did not approve of this impartial chairman idea for the need of settling disputed questions of fact, but what he wanted was to add to the board of arbitration to decide great, big questions of principle; and I want to quote from the record to show that the cases that have gone to the board of arbitration are great, big questions of principle, such as the right of any clerk of the grievance board to condone shop strikes, or to approve of picketing, or himself to write articles in the official organ defending picketing or calling union men scabs who took the place of union men who have been discharged for violating union rules.

Mr. Lennon, the present crisis in the cloak industry comes about between what is known as syndicalism and trade-unionism. In the shops in this industry the shop discipline has been broken down, and has been broken down because of the feeling on the part of the people in the shop that they were so powerful that they could make the boss do what they wanted him to do. The result of that is that the industry has been in trouble; it is not this very moment, because the employer can not turn out his product as he must turn it out. He has been willing to substitute for some of the discipline in the shop ordinary trade-unionism discipline, and he has not been able to get it from the international, and he has not been able to get it from the joint board, and he has reached the point where his is obliged to say, in self-defense, that if the trade-unionism principle is destroyed in this ladies' garment-working industry and syndicalism is coming in, the sooner the protocol goes the better.

That is the present crisis—syndicalism versus trade-unionism. The manufacturers' association has no quarrel with trade-unions. It believes that the trade-union has done much for the industry. It believes that it can do more through the wage-scale boards, through boards of sanitary control, and through the apprenticeship agreements with the cutters such as you heard Mr. Martin explain yesterday. It can do more through statistical investigations; but when the time comes, when the man who is the spokesman for his people, instead of going to them and telling them what this protocol can do and what it can not do, publicly, as I am prepared to prove by quotations from his interviews, charges every responsible official of the union, charges every responsible member of the joint board, and everyone who has worked on the union side to build up those institutions from the strike of 1910 until to-day; charges the men who led the Philadelphia strike, the Cleveland and St. Louis strikes with belog nents for the manufacturers, and attacks the very statistical inquiry which he himself invokes, and calls everybody the friend of the manufacturers, he destroys the protocol by creating that very distrust; and if at the time he comes out with those public statements there happens to be unemployment and natural unrest and syndicalism in the air, he is just the match that sets the tinder on fire. It is a responsibility that no human individual ought to take.

If this protocol is workable, if it contains within itself the possibility of improvement; if, as you have heard, it has changed the conditions of the shops in this city; if it provides for methods of conciliation that have been disposed of in the cloak industry of 8,000 grievances, and in the waist and dress industry in one year 5,000 grievances, is it to be destroyed because the litigant who came before the board of arbitration dares the court? It always was the privilege of the lawyer to go to the nearest tavern and curse the court that decided against him, but this is the first time in the history of industrial organization that a defeated litigant has come before a public investigating body and attacked the efficiency and good faith of the members of the board of arbitration, because in his sneers against Mr. Brandeis's appointment of Mr. Winslow I can not read anything except the implication of bad faith. Now, to confirm that, just to show how critical the present situation is, just remember that the International has served notice upon the manufacturers in that pamphlet which Mr. Silberman handed you this morning that if by the 15th this man is not removed they will withdraw from their guarantee. If they withdraw their guarantee and the support of the men who have built up the protocol is gone from the protocol, the protocol will fall of its own weight.

The gentleman seemed to think that the manufacturers did not desire the termination of the protocol because it is so good. Let me say this, as one who knows the attitude of the manufacturers: When the manufacturers are face to face with a proposition of turning over this industry to the management of a single individual whose life has been spent in a statistical bureau, they will terminate any instrument that stands in its way, and their attitude to-day is that if the board of arbitration is no longer respected, if the machinery of the

protocol is no longer respected, if the leaders of the union, who have given all their life blood for this industry, are no longer respected, the protocol will terminate itself, do what they will; and so the board of arbitration has summoned us to appear before it on Sunday next. The manufacturers, the international officers, are ready to go and state the situation, but the gentleman has given out a public statement in the *Daily Vorwaerts* of January 14, in which he says this very session of the board of arbitration is proof positive of a conspiracy between the international officers and our association, and he says: "The real reason for the move on the part of the international and of the association is the fact that the board of arbitration is hostile to me and will decide to recall me."

In other words, he has gone in advance of any hearing of the board of arbitration and announced to the people who look to him for guidance and advice that this board of arbitration intends to recall him, and therefore he can not go before this arbitration. Now, when that happens, Mr. Ballard, this protocol can not work. You might take the finest and most delicate piece of machinery that was ever devised and throw a monkey wrench into it and you will destroy the machinery, and you know what the phrase of the bull in the china shop means—the most delicate china won't stand before the horns of a bull; and if this protocol is good for anything, it has got to be amended, if it requires amendment, but the procedure of the protocol and the respect of the parties for each other must be observed.

Now, let me point out another thing. There is an attitude on the part of the workers in nonassociation shops, such as the last witness described, of overdoing things. Now, you know perfectly well, any employer of labor knows that a group of workmen during the height of the season can cost him thousands and thousands of dollars by stopping work. In the nonconciliation shops, where they have no machinery or provision for adjusting differences, they simply stop the machines and the boss has to do what they ask him to do.

Now, when they get into association shops, they try the same sort of thing, and the only thing that saves the manufacturer is the discipline of the union, because the union leader has to say to these people, "You can not be on strike without the word of the union. You can not break the law any more than the law of New York City. The police are there for the purpose of protecting the law. We will try your case, but go back to work," and then when people stay out for days and do not go back to work it causes the machinery of the shop to be destroyed and the work to be stopped, and then if you hire other people in the place of those who left, the previous witness calls that a lockout, and I am prepared to demonstrate to the satisfaction of this commission that there is no other basis for his use of the term "lockout," except his use of it in the Jaffe & Katz case, when the people were discharged after they refused to go back to work on the order of their own union representatives, and because they were discharged, he calls that a lockout.

How else could the manufacturer run his business except to give the opportunity to the people to go back to work, and if they won't obey their own leader, then to put some other people in their places.

Now, Dr. Hourwich told you, or the previous witness told you, that when he first came into the situation the machinery of the protocol was suspended by the president of the manufacturers' association. The facts were that prior to his arrival upon the scene there had been a series of articles in the official organ of the joint board, in which the manufacturers' association were being attacked and their good faith impugned and the working of the board of grievances attacked.

The experience under the protocol shows, and we have graphic charts that will show it, that every time the official organ publishes things of that sort it results in destroying the confidence of the people in the advice of their leaders, and always a number of shop strikes jump up. By February, 1912, there had been so many shop strikes that when the chief clerk for the board of grievances refused to stop a shop strike in the shop of Goldfield & Lachman, the president of the association said: "Since it is the rule of the board of grievances that the stopping of shop strikes takes the preferences over all other cases, and since you refuse to carry out the rules, we won't go on any other cases until you stop those shop strikes." The appeal was immediately taken to the board of arbitration.

The board of arbitration upon that point decided that it did not lay in the power of the president to stop the clerks from performing their duty; that the remedy was by appeal to the board of arbitration or by terminating the protocol.

Now, you can see, Madam Chairman, that if the association has no other remedy for stopping shop strikes, after appealing to the officers of the union, than to terminate the protocol, the recurrence of shop strikes means the termination of the protocol.

If there is no other way of relieving the situation, it means the termination of the protocol. Now, when shop strikes occur frequently it is the business of the clerk of the board of grievances, representing the union, to tell the people that it is a violation of the union rules, and so the board of arbitration found. They found that the shop strikes were unconstitutional under the union. It also found that this shop-strike business was destroying the discipline of the union. People said in their shops, "We do not care for the union, and we are going to do as we please." Now, if you have no protocol, Mr. Ballard, you discharge such people; but when you have a protocol you have to complain to their union, and when any man that is put there for the purpose of enforcing the law says, "Mr. Smith, I am not here for that purpose; I am secretary of war; it is my business to fight," what is the attitude of the manufacturers to be? What can they do under those circumstances? Either abrogate the protocol or make a protest.

Now, for a month we have made the protest, and not only the international, Madam Chairman, but every important labor leader in this country, having examined the situation and gone over it, found that the present incumbent of the office of clerk was a person who, in the language of the report, was a "destructivist and a disrupter"; that is the verdict of experienced trade-unionists. That is what the association has said.

Now, since the association has said that, since the trade-unionists have stated, ergo, proof positive, that every trade-unionist who has said so is an agent of the manufacturers, and bribed by the manufacturer.

Now, you must understand that this great mass of people, as Mr. Dyche and Mr. Rosenberg pointed out, come from countries where opposition to government is part of the rule of the day, and so when they come here it is extremely difficult for them to understand the nature of the discipline of a trade-union. And when their own spokesman comes to them and tells them these things they are only too ready to believe that all of these men have become converted and become employees of the manufacturers' association; and every man of influence in this situation at the present time, including the members of the board of arbitration, who have given their services gratuitously, has been discredited with the mass of the people at this very moment, because they are being charged with bad faith and dishonesty by this present occupant.

More than that, we have crises which have taken place in the cloak industry before. We have had them over and over again. This Stratton situation caused one of them. We know we have emotional people to deal with. We know we must give them time to overcome the heat and excitement of the moment, but when the clerks of the board of grievances fail to get together on the situation there was still the method you have heard about, before going to the board of arbitration, and that is that the lawyer for the association and the lawyer for the union would hold a private conference together and see what could be done to relieve the tension and to relieve the situation.

By reason of this campaign of discrediting the lawyer for the union, who understood the protocol and worked on it for three and a half years, and helped to build it up, and gave all his best life to it, he has been driven out of the field by attacks upon his honor and good faith. And so the lawyer for the manufacturer has not got anybody to-day, except a secretary of war, to deal with, and a secretary of state of one nation never communicates diplomatically with the secretary of war of another.

The present situation is that by combining the office of clerk, counsel, and leader there has been substituted for this machinery of the protocol a single attitude of "Do my will or the thing will break," because in closet philosophizing this great dream of an industrial court was never in the minds of those who framed the protocol, where a man could be a great advocate for the rights of labor and another man could be a great advocate for the rights of the employer. That is not quite true of the industrial court, and since it is not quite true the protocol has got to be smashed.

Now, that is the situation at this moment. Now, when you come to look at it scientifically, is it not absurd? What has happened here? After a bitter strike, that costs thousands and thousands of dollars, that cost bitter suffering, the worst kind of suffering, people have been elevated up to a certain standard.

You heard from President Rosenberg, and he knows more about the fight for trade-unionism than any other person—than any other witness you have heard; you have heard for 28 years they have tried to build up the union through the method of shop strikes, and it failed, and they could not build it up, and they could not get results unless they could make them general over a locality, and they have tried in Philadelphia and Cleveland and St. Louis by striking.

They found a group of employers in New York who said they were willing to do all they could to help lift up this industry. They were willing to pay the highest wages, but they wanted these shop strikes stopped. They wanted a real trade-union to deal with, that could maintain discipline among those people and so they signed this protocol, and for three and a half years patiently these men have given of their nights and days on both sides. They have been trying to build up in this complex, subtle industry, full of all the problems that come from our complex civilization; full of the problems of educating the man who is "agin" the law; full of problems of this piecework system, when a new gown is invented every minute, with yet no standard devised for equalizing the cost of labor; full of all these complexities; without discipline in the shop, both sides have been trying to build up a union that would make for discipline, and every night that union is destroyed by a cull of trenchery against the men who performed the service.

In that situation the employers are helpless. They do not want to see the protocol destroyed; not that it is better for them, as you have heard, because it has not yet succeeded in fairly equalizing competition; it can not, because in the nonassociation shop where the union gets what it wants by striking all the time—it gets something on one day, but on the other day the employer wins; and the result is that the average standard is below the normal, and that is one of the reasons why garments are being made and sold at a lower cost of production in the nonunion shops than they are being sold in the association shops.

Of course, that can be done away with when you get standards and more supervision of the nonassociation shops, when you introduce a system of inspection of association shops under the auspices of the union and of the association.

Matters are now under consideration, matters that will strengthen the protocol, so as to bring in the consumer to help in this complicated situation, in the competition of the unskilled manufacturer against the skilled manufacturer. All of those things have to be built up like the legislation in our political life, that we are carefully devising, but here come some of the people who having dreamed of a different constitution for our Government than the present Constitution, and not waiting for the slow processes of legislation, they think they can destroy the Constitution itself, and since the Constitution is not 100 per cent efficient, kill it.

That is the program: Kill the Constitution. Let us go back to what we had before there was a Constitution; do not amend it, do not improve it—kill it. I do not say that that is the announced program; that is the effect, because every sane man knows that the moment you go out and attack the motive of the very men who are to do the improving, the very men of experience, you make it impossible to do anything—that is the present situation.

Now, you have heard, and it is a complete admission, that the gentleman who now occupies the office of chief clerk does not consider temperamentally that he is a conciliator, and yet you have heard by the testimony of both sides that the principal work to be done under this protocol is the work of conciliation.

Now, with any man filling the office of conciliator to-day, and remember that there are disputes every day in the shops, you have a situation where fires are breaking out in every building and no fire department to put them out. How long is that situation to last? The office of clerk to-day is vacant, the office of union representative is vacant, because there is no person there who regards himself as charged with the duty of going to the shops and conciliating.

The gentleman tells you he was retained for the purpose of fighting.

Well, now, up to the time he came we endeavored to reform things not by fighting but by understanding, by study, and when he came and substituted the Secretary of War idea, well, how could you conciliate? Shake your fist in my face, and I am not prone to help you to get what you want.

Now, the fact that he is not a conciliator is not a fact that the manufacturers approve. It is not approved by sane people. In the articles in the Jewish press the men who last year were members of the joint board, over their own signatures, and I will give you the copies marked, which say, "This man gets

us into hot water; he does not know how to get us out," and in the official communication from the International to the Joint Board it says that since this man put his signature to the guaranty we have been unable to perform our duty, and therefore we call upon the Joint Board to relieve us of the responsibility.

Now, it is an unpleasant thing to discuss personalities. We do not want to discuss personalities. I think there are a great many admirable qualities that the gentleman possesses, but we are not all fit for the jobs that we are assigned to. I think there is a great deal in what Mr. Rosenberg and Mr. Dyche have to say. The lawyer has a very simple part to play in this work, very small. He only comes in when there is something to be put in writing; he only comes in in so far as he is not a lawyer at all. It is his business to help his people on his side to understand facts. It is his business to learn the facts himself and to express them, but the business of the lawyer in the sense of advocacy of fighting—of being a litigant all the time—that has no place in this kind of a system, because we have not yet reached that day where an industrial court, with taking evidence day by day, with battling before the court, dramatically, so that the people may see that you are fighting for your rights—we have not reached that day, where it will do any good in the industrial situation. You must go to the shops to help the people to earn a living and to work, and the man who talks discontent and unrest and utilizes it as a means for creating more disturbance through litigation is not a benefactor at all. I have a number of points here, but I understand that you want to adjourn at 5 o'clock, and I will stop at that point.

The CHAIRMAN. You have 12 minutes more.

Mr. COHEN. I would rather have the opportunity of arranging my notes for to-morrow and presenting the thing. I merely intended this time to meet several definite things that the last witness told you; just as he was corrected, in fact, by one of the gentlemen from the floor, the records will correct him in a great many other misrepresentations of fact, and there are a number of misrepresentations of fact, but the fundamental difficulty with his understanding of this situation is that he does not understand what institutions were to be met under this protocol.

The CHAIRMAN. Have you any questions?

Commissioner LENNON. Mr. Cohen, would you undertake to answer the question from your viewpoint that I asked Dr. Hourwich as to the probabilities of the life of the union, as it becomes manifest, if the protocol was broken down? I know that is prophesying, but we can do that sometimes.

Mr. COHEN. Mr. Chairman, I think it would be most indelicate for a man who occupies the position of counsel for the manufacturers to be put in the position of prophesying as to what will happen to the union if the protocol is broken, but if you will permit me I will say this: I am a believer in trade-unionism, as you know. I do not believe any trade-unionism can exist for any length of time among people who are temperamentally individualists; it can not exist where people believe more in shop discipline among themselves than they do in their own union discipline, and my belief is that if it were not for the present union shop, at this time, as Mr. Abelson said, we would have 2,000 unions instead of 1. The real difficulty of this situation is that even under the protocol, while we have nominally 1 union, we are really dealing with 2,000 unions.

Commissioner LENNON. What I wanted to draw out was, how it appeared to you the preferential idea in the protocol had affected the organizations of the shops. I should not have asked you that in that way probably.

Mr. COHEN. The preferential union shop has resulted in this: That since the man in the shop knows that his employer is under obligation to give the preference to a union man, he joins the union. That has been shown to be so in this association, and undoubtedly that has resulted in strengthening the union, because, as has been pointed out, new people are coming into this industry every day, and with an open union and a shop in which preferences are given to union men, the union is strengthened automatically. That was the purpose of it; but the difficulty is that the people, as soon as they join the union, expect that that act is going to bring the millennium for them. He expects the union to supply work where there is none; he expects the union to give the most vociferous union man the more work, and that interferes with the wheels of industry, as they go on. And in some cases, Mr. Lennon, it has given the impression that the employer feels sort of weak by recognizing the union and you can do with him everything you like. There never was a greater mistake in

the world, because, if it was not for fact that the manufacturers in this association are desirous of acting in good faith, there would be no protocol at all.

Mr. DYCHE. May I ask him a question?

The CHAIRMAN. Yes.

Mr. DYCHE. He spoke of the guaranty of the International union; what I would like to know is what is the guaranty of the manufacturers' association; who guarantees for them?

Mr. COHEN. The association.

Mr. DYCHE. It does?

Mr. COHEN. And it has made good by paying every award the board of grievances has made, and by disciplining its own members when they fail to observe—

Mr. DYCHE. Another question. Mr. Cohen, you will remember when we first called the attention of the manufacturers to their members who open shops out of town, the reasons why he objected to our extending the protocol on out-of-town shops was because he contended that they signed an agreement with a Manhattan organization. Is that true?

Mr. COHEN. I said at that time, if you will recall, that the proposition as it appears in the minutes was that the manufacturers are willing to deal with the union as fast as it succeeded in organizing the industries out of New York; but the manufacturers dealt, as you know, Mr. Dyche, with Mr. Rosenberg and Mr. Polakoff and with officers of the International, and you know, too, that we have in our possession the resolution adopted by the general executive board of the International even a few days after the signing of the protocol, ratifying it, and confirming it as the act of the International.

Commissioner LENNON. I have no more questions. The session for this afternoon will adjourn at this time, or in a minute; do not be in a hurry, now. The commission will have to end this hearing to-morrow because of engagements that we must fill on Monday in Washington. Now, we are going to be here to-morrow, and we are going to try to hear the people who believe they have something yet to say. I think no one will be able to say that we have left here and that we have not tried to hear every phase of this case, and we are going to try to do it to-morrow; but we must close the hearing, and certainly for this time, with to-morrow's session.

We will meet to-morrow morning at 10 o'clock in this room.

(Whereupon at 5 o'clock p. m., the hearing was adjourned until to-morrow at 10 o'clock a. m.)

NEW YORK, January 17, 1914.

Present: John B. Lemon (chairman), Mrs. J. Borden Harriman, S. Thurston Ballard.

The board met pursuant to adjournment at 10 minutes past 10 a. m.

The CHAIRMAN. Now, the members of the commission present have taken into consideration the best possible way to give a hearing that will be at least as satisfactory as it can be under the circumstances. We have to leave this afternoon, as you were told yesterday. There is no question about it. My engagements are absolute, and I must be in Washington to-night.

If it is desired, we can come back here a little later and hear from you again. We want to hear this morning at least four more witnesses. We think the situation demands that they be heard.

We want to hear Mr. Cohen finish his address, and Dr. Hourwich, and Mr. Bisno, and Mr. Polakoff.

Now, Mr. Dyche asks for a minute before we start in, and then the chairman will announce the next.

You have all heard what I have stated, and we are going to have a continuous session until we adjourn.

(Here Mrs. J. Borden Harriman took the chair.)

The CHAIRMAN. Mr. Dyche is going to speak now, in answer to a statement which was made by Dr. Hourwich yesterday, and we asked him to postpone his answer until this morning.

TESTIMONY OF MR. JOHN A. DYCHE—Recalled.

Mr. DYCHE. Since I have tried, in the case of Stratton, to say that the union should be able to fulfill its obligations, namely, to get people back to work, I have been attacked by quite a number of people, because the work of the destruction of the protocol began prior to the appearance of Prof. Hourwich,

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and was attacked by a gentleman who was described here as a second edition of Jesus Christ.

This report was prepared for me in the Nineteenth Street office on October 26. It is as follows:

"On October 6 the association filed a complaint protesting against the action of the shop chairman, L. Morrell, who refused to permit the settlement of prices by the price committee for the reason that the work is not equally distributed. We called the shop chairman to our office, and he admitted that he is not permitting the people to settle prices till the firm had looked into the matter of the unequal distribution of work. We explained to the chairman that it was his duty to first file a complaint with the association if there is something wrong in the shop, before taking the matter in his own hands. We then filed a complaint with the association, protesting against the unequal distribution of work. Brother Curot and Dr. Abelson went up to the firm on October 7, and Dr. Abelson refused to take up any complaints against the firm until the shop chairman had first ordered the people to settle prices. Brother Curot then ordered the chairman, Morrell, to settle prices, and he would return the next day to take up the complaint against the firm. Upon arriving in the shop the following day, October 8, Brother Zimmerman accompanied by Curot and Dr. Abelson went up and it was found that the shop chairman had not called the people down to settle prices, but claimed that he had forgotten about the price settling and when the firm called him at 5.30 o'clock he claimed that it was too late to settle prices that evening, because he had an appointment with a friend. The next morning, the price committee refused to come down to settle prices, because they were busy. These statements were made by Morrell, and Dr. Abelson again refused to take up the case against the firm and promised to come the following day to take up the case, as soon as prices were settled. On Thursday, Brothers Zimmerman, Curot, and Dr. Abelson arrived in the shop at about 2 p. m., and found that prices were being settled with the assistant chairman, and were told that Morrell had left the shop in the morning. We were therefore unable to take up the case because the assistant chairman did not know anything in regard to the complaint filed against the firm. Brother Zimmerman then decided that he would not entertain any more complaints against the firm until the people had first had a meeting, and that all grievances should be reported at this meeting. A meeting was held on Monday, October 14, and the following morning Brother Curot brought to my office two complaints, first that there was an unequal distribution of work in Mandelberg's department, and second, that the foreman, Mandelberg, had grossly insulted a girl, thereby forcing her to leave her position. Brothers Zimmerman and Curot, together with Dr. Abelson, went up on this case Tuesday afternoon at 2 p. m., and found that Mr. Cohen, the superintendent of the above firm, was out of town. Dr. Abelson was perfectly willing to wait until 5 p. m., when Mr. Stratton would arrive. Mr. Stratton returned at about 3.30 and stated that he is not willing to take up the case as he does not know what is going on in the factory, as Mr. Cohen has complete charge of the entire factory, and would not make any decision without him. Brother Zimmerman agreed to come the next day, and reported that this did not suit Morrell very much, and started to argue about the delay of the case. Dr. Abelson called him a "king" of the shop, which he resented very much. However, we could not do anything that day and returned the next morning, upon ascertaining that Mr. Cohen was in town. When we began to take up the investigation of unequal distribution of work, we looked back 10 weeks in the books of the firm, and Morrell brought down four finishers of Mandelberg's department, who claimed that they were being discriminated against by not receiving an equal share of the work, but could not prove any discrimination, and the charge of unequal distribution of work was therefore unfounded. We then took up the case with reference to the charge of the foreman abusing the girl, etc., and the girl, who is now working elsewhere, was present to testify, and stated that she asked the foreman for a spool of cotton, and he answered her in a very abusive manner. Brother Zimmerman then instructed the foreman that inasmuch as he does not engage the feller hands, he had no right whatsoever to interfere with them, but should hold the tailors responsible for all bad work, or any other troubles. He received a good calling down, and was told to behave himself in the future. When leaving the office Mandelberg stated that he would not have this girl back under any circumstances. Morrell became very angry at this point and commenced to say, "See what he says." Brother Zimmerman thereupon told him that the case would be decided upon. He, however, seemed to be very much

excited and stated that he will take his hat and coat and leave the place, and will not care what the people will do. Dr. Abelson and Brother Curel discussed the case and were willing to have three points settled in the following manner, viz:

"First. That the girl may come back to work, if she so desires, even though against the wishes of the foreman.

"Second. The foreman had no jurisdiction over the feller hands in the future.

"Third. The question of a fine to be left to the board of directors of the union, who will hold a meeting in the afternoon, and then take up the matter for discussion.

"Brother Curel demanded \$50, and then was willing to have the foreman pay \$25. Dr. Abelson agreed upon \$10, and that for the sake of peace said he would give \$15 out of his own pockets to avoid trouble. We then left, and while going downstairs we met the assistant chairman—this was about 1.30 p. m.—and he informed us that the people are all stopping from work. We then went to lunch and returned to the office about 2.15 with Dr. Abelson, and found that the people are not working. Morrell, the shop chairman, was called down to the office, and was instructed to order the people to go back to work immediately. He claimed that he could not do so, as he had not ordered them to stop. He was told that he would be held responsible for the stoppage of work, as the case had not been finished, and we were not in a position to answer the people as to the disposition of the case, but we believe that it was through the action of the chairman that the people stopped from work. This case was taken up by the board of directors at a special meeting held that afternoon, and Morrell, the shop chairman, was called by telephone to the meeting, and was instructed to order the people back to work, pending an investigation. He gave all kinds of excuses and evasive answers, but did not promise to order the people back to work. Only a few days later we learned that he had never ordered the people back to work, or had followed our instructions as per the decision of the board of directors. The next morning Brother Dyche took charge of this case, and he and Brother Pagano went up on the case to see if they can not induce the people to return to work. In the morning they discussed the case in the association rooms, and then the board of directors had a special meeting at which it was decided that unless the people return to work by 1 o'clock the union will not be responsible if all the people will be discharged. Brothers Dyche, Pagano, Curel, and Martin went up to order the people back to work. A committee, including the shop chairman, was called down to the office, and were instructed as to the decision of the board of directors. They, however, claimed that they must first have a shop meeting, as they are not the entire shop. Brother Dyche told them they could have a meeting, providing they all return to work at 2 p. m. The committee answered that if Brother Dyche will promise them that he will take up the case to have the foreman discharged within a certain time, they will return to work. Brother Dyche said he could not promise them this, and stated that there is nothing else to be done, excepting the people to return to work. He then left the place and went upstairs into the factory and found only 10 tailors. He gave them orders, viz, to start to work, and left the factory."

I want to say that in the course of my argument, in trying to persuade the people to go back to work, I took out from my pocket the constitution of the International union, where it reads as follows (this is on the first page of the constitution, in capital letters):

"No member is allowed to stop from work, or come out on strike, without the order of the union, for such illegal strike is a violation of the union rules, and such member will be fined or expelled."

The answer to me by these people was that they had not participated in the making of this constitution, and the framing of its laws, and they would not obey it. I told them, in that case, "Then you are outside of the pay of the union," and they said, "Just exactly, we will settle the trouble ourselves the same as we did in this firm prior to your coming."

After that I did not wait until 3 o'clock, but I left at 2 o'clock, from this factory. Of course, I then tried my very best to see when the people had left the shop, to see the foreman, and that the people were afterwards discharged, and taken back to work, and see that the firm should have their orders filled to the best of my ability, and if I have a repetition of the same kind, of course, I will do the same.

Madam President, there is one statement which I think is of the highest importance to this commission, as regards the relations of the international union

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to the manufacturers' association, and if you will permit me, it will not take me two minutes, and I will be through, and it has a great bearing on the subject.

The CHAIRMAN. All right.

Mr. DYCHE. You were told yesterday of several representatives of the manufacturers' association, that they can not deal with the joint board of the International union, and that if the International union is withdrawn they can not get along.

I want to call the attention of this board to a meeting which was held, a conference which was held, between the representatives of the union and the representatives of the manufacturers' association, at which Mr. Silberman presided, during the term of the clerk to the board of agreements in the month of November. The subject in the discussion was a raise of wages for pressers, and standard rates for finishers of 65 cents an hour. We discussed the matter on the Tuesday, and we could not come to a decision upon the proposition, and we decided the next meeting should be held the following Tuesday. Then, at the meeting, to continue our discussion, Mr. Silberman, who was the chairman, held a copy of the New Post, the official organ of the joint board, where it stated in large letters as follows: "Shop chairmen, price committees, and business agents are instructed that all settlement of prices for finishing should be made at a minimum rate of 55 cents per hour"—when we were discussing the standard rate, and there was a minimum rate of 65 cents an hour—"signed, and officers of the union will be held responsible. (Signed.) A. Abelson."

Mr. Silberman said, "Did you make this communication to the press; is it within your knowledge?" I said, "We know nothing about it," and he said, "If that is the case, I will have nothing to do with you," and he refused to deal with us, because we did not represent the joint board. He said, "Gentlemen, if you will come to us and bring credentials from the joint board, we will deal with you. At present you represent nobody," and he refused to deal with us and President Rosenberg. We have a gentleman now who has the credentials of the joint board, and I hope you will deal with him.

The CHAIRMAN. Mr. Cohen, you have some more to say?

TESTIMONY OF MR. JULIUS HENRY COHEN—Recalled.

The CHAIRMAN. Mr. Cohen, could you do it in an hour?

Mr. COHEN. Dr. Hourwich is to have another hour, and he has made so many inaccurate statement that it will take me at least two hours to reply to them, and I think it would be utterly unfair to allow the impression to go abroad that he has sought to create by some statements of facts that he has made, and I think it is only fair, and you will realize that you gave most of the time to representatives from the union, so far, and on the manufacturers' side, only Mr. Silberman and Mr. Rosenfeld have appeared, and I myself for an hour, and you gave Dr. Abelson a brief time yesterday, merely to state the workings of the machinery, and he had not gone into the details of these serious matters. I think it is only fair that we should have the same time that the unions have had to present their side of the controversy.

The CHAIRMAN. Will you go on? We will give you as long as possible, Mr. Cohen.

Mr. COHEN. Now, in the first place, I want to correct any wrong impression that was made yesterday, by reason of the charge that Mr. Silberman had broken the protocol. The board of grievances passed a resolution authorizing any manufacturer to experiment on week work, in any piecework department, and the piecework prices were not fixed by the protocol, and there was nothing in the protocol that forbids the week work in the piecework department. That was a matter that was left to the discretion of the workers and employers, and in order to test out the week-work system Mr. Silberman undertook to experiment with it.

Now, as to the International's relation, regarding what Mr. Dyche has just said. When the original agreement was entered into it was ratified and confirmed by the International officers, and just such things as Mr. Dyche says occurred; the issuance of ukases by the joint board at the very moment when the parties were going into conferences were the things that the manufacturers' association could not stand for, and so they found that the only thing to do would be to do as Mr. Dyche said he did in the Stratton shop—take out the by-laws of the union and teach the people the elementary union principles. The first rule of the union was that they could not strike without the authoriza-

tion of the union, and the only people who would do that were the international officers themselves, and without the union discipline and without the opportunity to deal with the shop as we pleased, the manufacturer found himself in a position of having nobody whom he could hold responsible for the conduct of the members of the union.

Now, you have heard a good deal about continuous arbitration here. Here are four boxes. These four boxes represent the papers in the cases before the board of arbitration, those cases you have heard about [indicating four large boxes on the table].

You heard from Mr. Winslow that there were 7,556 cases that were disposed of. These boxes represent what was done in the minutes of the proceedings in the eight cases.

Can you imagine what would happen if we had this industrial court that the professor dreams about—where the lawyers would be fighting all the time, from day to day, over cases? I think the manufacturers would have to go into the law business and get out of the manufacturing of cloaks; and it is because they understand and realize that that they are opposed to this system of continuous arbitration.

But, apart from that, there is a more fundamental difficulty than that—the protocol itself never provided for continuous arbitration; it provided for methods of conciliation. And the basis of the machinery of the protocol, as every witness has pointed out to you, is conciliation and mediation.

Now, the board of arbitration, at its very last session, overruled the professor by holding that the board of grievances was a board of conciliation, and the clerks of the board of grievances were to perform the duties of conciliation.

Now, he says he is a great believer in arbitration as a substitute for strikes; that decision of the board was not Mr. Brandeis's decision alone. It was the unanimous decision of the board, including the gentlemen who had originally been designated by the union. It was in accordance with the precedents that had been established through those three and a half years. It was in accordance with the express terms of the rules that had been adopted; yet, this gentleman is infatuated with the idea of arbitration as a permanent remedy; and when the board unanimously decides against him on the very basic principle of the machinery that is working under the protocol, he still insists that the board is all wrong, and comes before you and attacks the good faith of the board. Now, if that is the kind of arbitration—he proposes arbitration—it did render a decision in favor of the pressers, involving, as he puts it, an award of over half a million dollars in cash; but I think that is more than the actual amount; but awarding half a million dollars in increase of wages to the pressers, this same board of arbitration, which is accepted cheerfully by the manufacturers, the kind of arbitration which is agreed to by the manufacturers. Yet this board is attacked when it makes a decision as to the fundamental basis of the machinery of the protocol, and is not an arbitration board that is fair. He says it is only one-sided, which means arbitration is all right when you decide in my favor, but it is all wrong when you decide against me.

Now, that is a very serious proposition, with reference to the nature of the office of clerk to the board of grievances and the relation between the international and the joint board; and let me point this out, because it bears on the present situation.

Now, the agreement was entered into originally with the international. The international officers were present. This problem was a problem, as the international secretary pointed out at the beginning of these sessions, a problem of taking 50,000 people who were good strikers and poor union men and converting them to union discipline. The only people who could do that were the leaders; and as the board of arbitration stated at its last session, it was the business of the leaders on both sides to educate the community behind them—the manufacturers as well as the workers.

Now, there came a time a year and a half ago when the international leaders found that their influence was being broken by the efforts of those who did exactly what happened in the Stratton shop—people saying, "We do not want to help make the constitution of the union; we do not care anything about your union. We do not care about your union rules." They found that kind of spirit prevailing, and they found that spirit was developed and increased by articles in the New Post, the official organ of the joint board, attacking the good faith of everybody from the international officers down; so we arrived at a situation where we could not do business in good faith with the representatives of the joint board alone, but had repeatedly to call upon the international officers to

see to it that the joint board performed its obligations of plain, ordinary good faith.

Now, when the international officers found that the new man who had been imported into the situation would not cooperate with them and would not work with them, the situation reached this crisis, where he came to a meeting of the board of grievances, and there said, "You can deal with me as representing the joint board, or you can not deal at all." I have the minutes here in the exact language which he used, in which he said, "The international is the shadow, the joint board is the substance. You can deal with the shadow if you like, but you must deal with me as the representative of the joint board."

Now, in view of the fact that we had in our safe the original resolution of the International Ladies' Garment Workers Union, ratifying and adopting this protocol, binding upon the whole international, extending all over the country, we said, "This is the first time we have heard that our contract is limited only to the members of the joint board," and so we raised that question at that point, because he raised it. We did not raise it. He said, "You have got to deal only with the joint board." That was the real reason, and we went before the board of arbitration, and the board of arbitration, in order to confirm the situation—not to soothe our feelings, not at all—they knew if the international got off the bond, the bond would be destroyed immediately, and so in order to mediate and bring the thing to a head they got this same joint board and the international cheerfully to sign and express the guaranty by which they recognized the international as being bound to fulfill the obligations, and the professor signed it himself for the joint board.

Now, what happened after that? Do not take my testimony; take the testimony of the officers of the international. They passed a resolution to this effect on December 30 last:

"Whereas in accordance with the decision of the board of arbitration, rendered February 3 and 4, the international union has been made the guarantor for the joint board in its dealings with the manufacturers' association through the instrumentality of the protocol;

"And whereas upon further decision of the board of arbitration on October 4 last this guaranty implies a joint responsibility and joint cooperation of the officers of the international union with the representatives of the joint board in carrying out the provisions of the protocol;

"And whereas the present chief clerk"—mentioning him by name—"who signs"—he attached his signature to this arrangement made by the joint board of arbitration—"has persistently and systematically attacked the policies of the international union, and openly denounced its officers, as the agents of the manufacturers' association, and has in every way tried to discredit them before our members and thus brought about a condition of affairs whereby he has made it impossible for the international officers to work in cooperation and harmony with him;

"And whereas his policies are radically and fundamentally opposed to the policies and methods heretofore pursued by the international officers;

"And whereas the firm belief of the joint executive board is that the methods pursued by Dr. Hourwich are detrimental to the best interests of our organization, the union, with the manufacturers' association: Therefore be it

Resolved, That the joint board of the cloak and shirt makers' union be informed that under the clerkship and guidance of Dr. Hourwich, the international union can not remain the guarantor for the protocol."

Now, Madam Chairman, there is a huge conspiracy in this town that your commission must unearth. It is a terrible conspiracy; at its head is our friend Samuel Gompers, the head of the American Federation of Labor. Next to him, the archconspirator, is John Mitchell; after him Frank Morrison; after him Abraham Rosenberg; after him Mr. Dyche; after him Mr. London; after him the members of the board of arbitration, Dr. Weyl and Mr. Holt; after them the statistician, Mr. Winslow; after him the members of the manufacturers' association; after them the members of the joint board—all engaged in a terrible conspiracy, and that conspiracy is just what? To preserve the conciliation machinery established by the protocol, and because they have joined in that conspiracy they are charged with being engaged in destroying the rights of the workmen, and against them is ranged just one man, who sets himself up as being opposed to all their policies, opposed to the very fundamental basis of the machinery of the protocol, and they are all wrong, everyone of us, the present speaker included, all crazy, and he is the sane man.

Now, Mr. Ballard, let me ask you if down on the levee at New Orleans there were 100 bales of cotton, and a man came along and poured kerosene over that cotton and set a match to it, and you found he was no ordinary person, but that he was a man who had written books—

A VOICE. I want to ask a question.

The CHAIRMAN. Don't interrupt, please.

Mr. COHEN. I want to know, if you found that that man was a man of learning, what would you say was the trouble with him? Here is the situation where everybody else is engaged in a conspiracy to destroy this union, and this gentleman, by the resolutions of the leading representatives of labor throughout the country, has been told that he is discrediting the influence of his union and destroying the union.

Now, Mr. Lennon, you asked yesterday what the effect of the destruction of the protocol would have upon the unions in New York.

You heard from Mr. Rosenfeld, the president of the association, that the unions did a great thing in the strike in 1910 in bringing all the employers—not merely the minority, but all of them—to a realization that by cooperative effort this industry could be raised to higher levels. You heard voluminous testimony to the effect that this industry has been raised to higher levels; and now, if the union can be continued and this progress that is now under way made for both the workers and the employers, this will be a great thing for the trade-union; but the experiment that is now going on at this moment, Madam Chairman, is whether or not the great mass of the people in this union are capable of maintaining a union according to trade-union principles, or whether or not they are like the people in Stratton's shop, who say they do not care a hang for the constitution of the union and do not care a hang for anything else.

Now, at the head of these people at the present moment is a man who, as you heard yesterday, attacks the good faith of the board of arbitration, the tribunal which has granted, according to his own statement in writing, an award of nearly half a million dollars in advances to pressers, and whose decisions, made unanimously, he refuses to accept. I believe that when the people wake up, when they realize what their union really means to them, when they realize that only in union discipline can any such arrangement as this survive, and when they go back again, as Mr. Rosenberg told you, to the times of 14 and 15 years ago, when the shop strike produced nothing, this system of 2,000 unions—one for every shop—with which the manufacturer deals will be done away with and we will have a real trade-union. I said yesterday that the issue was between syndicalism and trade-unionism, and that is the issue to-day, at this very moment—whether a single man can repudiate the honorable decisions of an honorable board of arbitration and lead a riot against peace and order in the community.

Now, you have been told that there is a condition of unemployment in this industry at the present time, and there undoubtedly is. There are a great many people out of work. The people who are out of work are very anxious to get employment, and of course they believe that there is something wrong with the union, that it can not get employment for them.

Now, in the nonassociation shops, where the people are not satisfied with what the boss is doing, they can stop the whole machinery at once by rising up and going out at the height of the season; but nevertheless the manufacturer gets his chance when the season is over, and he gets rid of those people who are the disturbers in his shop. Now, the hands of a manufacturer in the association are tied, because if he discharges a man because he made a rumpus in the shop, on account of his union activity, the charge is made against that manufacturer of union discrimination and the man is likely to be reinstated. What the union wants done, according to the contentions of the officers in charge at present, is that the employers shall have no right whatever unless the people in the shop assent to it; this method of the board of grievances shall not be used at all, but we shall go before the board of arbitration in every case and decide whether a cloak shall have five or six or four buttons on it. Every question shall be fought out between the group of workmen, represented by an advocate, and a group of manufacturers, represented by an advocate. We are to have continuous arbitration. You remember the witness answered your question by saying he believed continuous arbitration was practical for those eight or nine thousand cases that came up.

Now, of course, if the policy of continuous arbitration, if the policy of war which the gentleman says he is in favor of, because he says he is no concili-

ator—if this policy is to prevail, then, of course, the protocol can not last, and it can only tie the hands of one side, leaving the other side free. Whatever this terrible machinery may be, whatever it possesses potentially for constructive work and industry, it can not last under such a one-sided policy as that.

Now, he says he can not get the board of arbitration for the decision of individual cases. He attacked Mr. Winslow yesterday upon the ground that he was a statistician and that he did not believe that the statistics of Mr. Winslow were accurate. I told you yesterday that I would prove that the statement that there were no disputes on questions of fact in this board of grievances was a statement to which the gentleman himself assented. On page 320 of the record of the board of arbitration, on October 12, 1913, in discussing improvement in machinery, I stated it very frequently happened that the manufacturers voted with the union on questions of fact. Dr. Hourwich, interrupting me, said, "May I correct you right here, that we also voted with the manufacturers on questions of fact as well as the other way?"

"Mr. COHEN. The difficulty of questions of fact does not exist.

"Dr. Hourwich. Does not exist at all."

Now, when this board, which he now attacks, came to consider this very matter they said this on page 379 of the same record:

"We, however, were very much affected in our opinion as to the need of a change in the board of grievances by certain statements of facts which were made to us to-day. There had been at the previous hearings on this subject a great, a very great, diversity of contention as to the matters of fact between Mr. Cohen on the one hand, and as we understood it, between Dr. Hourwich and Mr. London on the other, as to what the results of the board of grievances had been, of the proceedings. We, in the first place, had supposed that there had been difficulty, particularly of late, in obtaining a decision by a majority vote on certain contested questions of fact which naturally must necessarily arise from time to time in controversies which are submitted. Dr. Hourwich to-day removed the doubt which we had on the subject, and it is believed in entirely agreeing, frankly agreeing with Mr. Cohen that there was no difficulty in securing a decision on any questions of fact."

And yet he comes here, and publicly states discrediting Mr. Winslow's work, that he does not know the basis for Mr. Winslow's report that there are no disagreements upon questions of fact in the board of arbitration.

He comes here and tells you that the difficulty with the board is that it does not meet. Here are some of the minutes of this board of arbitration [indicating papers on the table]. Here are two more volumes that I left. These are the stenographic minutes of the board of arbitration sitting just as your commission sits to-day, day after day, sometimes to dispose of large and important matters [indicating same on the table]. But the difficulty with that board is that it only decides right when it decides the professor's way. If it decides the other way, it is no good.

If we had continuous arbitration with decisions in favor of the employer, continuous arbitration would be bad, too.

That is the situation that exists at the present moment, and let me observe on the general subject of whether the protocol will work, that it may be accepted as axiomatic by the commission that when a man arises and puts himself in a position of sole leader, lawyer, and officer of the union, and attacks the tribunal which his own union has helped to create, no collective agreement can last.

That is the history in England and that is the history in Germany; it is the history all over the world. No collective agreement can last that is not honorably observed by both sides, and if they constitute a board of arbitration, and are willing to accept its decisions, when it is favorable to them, and refuses to accept the decisions when it is unfavorable to them, the thing can not last; it falls of its own weight.

Now, let me say this: That this is not a matter of good name, faith of anybody, or any individual. It is an unfortunate thing that the name of one individual has to be used so frequently. It is not a matter of a decision of principle between the union and the manufacturers' association. It is not a matter of difference as to the value of conciliation or arbitration between the union and the association; but the fundamental difficulty is that the individual, whose idealism nobody can question at all, is possessed of the notion that you can have a peace agreement and a condition of war at the present time. That is the difficulty of the situation. His very conception of fighting all the time, is his conception of the office of secretary of war under an agreement which pro-

vides for a tribunal, which he himself says is to take the place of strikes, his attitude in the defense of strikes, his attitude in his articles in which he calls the international officers traitors, in which he abuses the officers of the joint board—everybody who has been working on this protocol from the day it was signed down to the present time, is an archconspirator, against him because they disagree with him.

Now, it is because he has that conception—that his duties as a lawyer are to be secretary of war in this situation—that the whole thing is falling to pieces.

Commissioner Leamon, you know perfectly well that when we were on a war basis, the manufacturing side had a pretty good secretary of war, too, and if we are going to be on a war basis I can give you my assurance now that we will have just as good a secretary of war as we had in the strike of 1910. Now, it has been suggested in some East Side newspapers that the purposes of the manufacturers were to smash the union, and to use this situation to smash the union. I want emphatically to say in public and upon record, that there is no such purpose and no such motive. The union has been shot to pieces, because one of their own men, their own employee has charged their leaders with bad faith, and with treason. The protocol has been shot to pieces by that same individual, charging the board of arbitration as it did here with bad faith and dishonorable conduct; by his charging us with an attempt to bribe him, to induce him to leave his position, for pay in their employ, a charge which is absolutely without foundation. It has been shot to pieces by his charge that Mr. Whislow has corrupted the figures that were made the basis of the statistical investigation by the board of arbitration.

We are not doing anything to smash the union. All that we said is this, and we say it again: The association of cloak manufacturers believes in trade-unionism; it believes in collective bargaining; it believes in voluntary arbitration as a means of settling controversies between employers and employees, but it believes that a collective agreement must be honorably kept by both sides; and if anybody undertakes to assume that there can be a war footing at the same time there is a peace footing he is counting without his host, and if the association has to take action as a result of that attitude, it will be taken with deep regret, but with the feeling that it is the course open to self-respecting men, unless they want to turn the management of the industry over to this single individual. Those men know that the proposition of controversy over every little detail in the shop is going to breed controversy. They know that poor arbitration, according to the history of trade-unionism, and let any trade-unionist quote from Webb on trade-unions, he knows that poor arbitration is going to break down the machinery, and no manufacturer is going to pay the penalty and the price of this thing going for another season, and if that policy—that method—is to prevail, if the protocol is to be torn up to fit the idiosyncracies of a single individual, then the sooner it comes the better; and as one who believes in the protocol as a means of progress for both worker and employer and the industry, I say that the sooner it comes the better; if that is the sort of progress, there is an end of it.

Dr. HORNWICH. Can I ask a question of personal privilege—a question involving personal privilege—and for one minute, Mr. Chairman?

The CHAIRMAN. I am afraid that we shall have to ask you to wait for that question until the speaker has finished, and then you will all have a chance, if you will ask him in an orderly fashion.

Mr. COHEN. I want, Madam Chairman, to make my earnest protest upon this record against the insinuation made in the testimony yesterday that the manufacturers were using canvas cutters in place of real cutters. You heard Mr. Martin testify for the cutters' union. We did not call him. He said that there was now in conference a plan for systematic apprenticeship in this industry, and that that conference was about to be held and had already held one meeting where plans were to be worked out, and it had to be postponed because of the pending of this investigation at this moment. The cutters themselves have asked for this conference because they know the difficulty in the situation is due to the necessity of having some system of apprenticeships which is not covered by the protocol, but for any single individual to come here and tell a public body that at the present moment there was bad faith upon the part of the manufacturers of that sort is something that ought to be condemned by public opinion.

Now, I want to say a word about the difficulty of fixing piece prices.

Now, while that process is going on, if somebody throws something in the machinery to destroy it, what happens? You will not only destroy the union,

you not only destroy the protocol, but you will destroy this industry. I honestly believe, Mr. Baillard, that if this protocol goes down, and the opportunities of standardizing this industry are not availed of, it is going to do harm, and this industry is going to suffer in this city tremendously. And what is going to happen to the union, Mr. Lennen? The union lost its fights in the cities of Cleveland and Philadelphia and other places. It has not been able to win by the power of its own inherent force; it has not been able to win there, and it can not win anywhere, I claim, if it is known that the result of a strike will be no agreement that will be observed by their side. They can not win. No union can win a strike that has a record of nonperformance of its own obligations. So that we have got that problem of the piece-price system. We have got the additional problem of meeting competition of other cities. Let us assume that this piece-price problem was solved. We know perfectly well the prices in other cities can not be made the same as in this; but where there is no union to maintain prices it is one of the elementary principles of trade-unionism, as I understand it, that prices tend to slink to the lowest level.

Now, in the cloak workers' industry in this country the union has failed to jack up the standard wages throughout this country to the same high level throughout the country that they are in New York. There is competition in New York to-day. New York has held its own remarkably well, and it has held it because of the brains of the men at the top here, because of their wonderful executive capacity, and it has competed well and successfully with the rest of the world, because of that remarkable efficiency of the leaders of this industry. But just see what happens if it goes on, if the union can not maintain standards throughout the country. We are at the mercy of every other city in the country. Now, for that there is a remedy. I have suggested it, and it is now being considered in the dress and waist industry, and that is this, that as soon as the public is interested in knowing whether the garments that are being made are made under sanitary conditions, and whether a fair wage is paid to the worker, the consuming public should be brought into the game; and the National Consumers' League is to-day ready to join with the union, with the manufacturers, and with the workers to secure a label which shall be attached to every garment that is made under fair conditions—a label that shall secure to the person who is wearing the garment that it has been made under proper sanitary conditions and made with proper pay to the workers and under proper hours, and is educated up to the immorality of wearing clothes where the laborer is not properly paid. The manufacturer then will be placed somewhere near a proper plane of competition with the rest of the community. Now, when that is done we will have something done that is of benefit. It will mean more work for the people and more work for the industry.

Now, look at it from another point of view. We are now to come to a reform of society in which the workers are to have their fair share of representation. See what it means to them. These boards, with representatives of the workers in them devising ways and means which will raise up the industry, devising methods by which the industry can be improved. You have heard something of what has been done with the sanitary conditions, but you have no conception of what can still be done by these methods. And yet no state of society can be run without order and without discipline. You have heard a great deal about the right of the members of the union which are to be fought for by the lawyer of the union; you heard something this morning about the duties of the workman, with his mind turned to the fact that he must go out on strike without the order of the union. Now, this is what has happened: Although they can not go out on strike without that order, they violate the union discipline, and so the very essence of this system and of administering this system of discipline by order, where the order is violated—this system of industrial unionism, in the sense of having one union responsible for all of its members, breaks down. The workmen in the shop, if each shop is in itself autonomous, if it is an autonomous union, with no laws and no rules except the frenzy and whim of the moment, and it is the fight against that spirit—which is temperamental in this industry—that is going on at the present moment. And that fight is further indicated by the fact that a professor of learning, a doctor of philosophy, a lawyer, a man who went away from the bar while the bar was changing its own notions, and who has got a mind for statistics, and who can not see beyond the end of his nose, and who has influenced these people to the belief that everybody is working for this workable feature in the industry, is a traitor to the cause and is a traitor to the cause of trade-unionism, and he is a traitor to call that his duty; and until that

situation changes nothing can be done. It must be changed. It is just as necessary that it shall be changed as if a man who has to digest his food, who has some serious cancerous growth in his mouth, and he can not take food until that cancerous growth is relieved or removed—and the body has got to live, anyhow.

Now, it was stated yesterday—I showed you—that the fact that there were no disputed questions of fact before the board of grievances was admitted by the professor before the board of arbitration, and the board of arbitration relied upon his admission, and he comes here and tells you they can't get justice, because the board of arbitration won't take up individual cases. Now, he said yesterday that Mr. Winslow was the result of some nefarious conspiracy to bring him into the situation. At page B-88 of the minutes of the board of arbitration of the proceedings before the board of arbitration on August 3, appears this record. Dr. Hourwich says, considering the employment of this commission for the purpose of ascertaining the facts upon which the board of arbitration could act—criticizing that, he says: "The Government has no power to accept any gratuitous service from anybody. Now, considering that, I think the Commission on Industrial Relations would probably be the better institution for it, and I think it would be eminently proper for this board of arbitration to suggest to this commission the name of Mr. Winslow as a man who has already made an investigation into this industry, and who is therefore specially qualified to continue these investigations."

So he, on that date, before he knew what the facts disclosed by Mr. Winslow would show, was suggesting to your honorable body, he was suggesting Mr. Winslow as the one man to give you the facts; and now, because Mr. Winslow's figures do not tally with his, Mr. Winslow is now one of these arch conspirators seeking to destroy him.

Now, that is the kind of thing we have been up against. He says that we offered him a job at \$10,000 a year; and he said he had a perfect right to consider it because he was a lawyer. But that has given the people a notion that we were corrupting, that we were offering a bribe; and I assure you, gentlemen and members of the commission, that there is no evidence, not the slightest piece of evidence, to support such a charge as that.

Commissioner LEXXON. Are you intimating that Mr. Hourwich made that statement in his remarks yesterday—that you offered him \$10,000 a year?

Mr. COMB. No; but he has done it on another occasion.

Commissioner LEXXON. I just wanted to know.

Mr. COMB. He has done it outside; and that is one of the things that has complicated this difficulty—because, remember this, Madam Chairman, and members of the commission, that every organization, like every individual, has to maintain its own self-respect; and when the man with whom you are to do business says you are a thief and a liar you have got to resent it, you can't let it rest; and that is what has produced the present friction—these several things.

Taking a large mass of tinder and setting a match to it, or running like a bull into a china shop, where there are delicate cups and saucers and porcelain about, charging everybody; charging the very leaders who have built up this institution with being treacherous, by their act; charging them with being agents of the manufacturers; why, he says to you: "Mr. Gompers—I don't think much of Mr. Gompers," and that kills Mr. Gompers, of course. No matter what Mr. Gompers has done, that kills him; no matter what he has done in this country for labor, the professor says he is no good. He says Mr. Brandels is no good, that kills him; he says Mr. Weyl is no good, and that ends him; he says John Dyche is no good, and that ends him. He is a man with a set of magic labels that are called "Manufacturers' agents," and he has been going around this community and sticking labels on the foreheads of the people of this country, and they drop dead as if by magic when he does it. That is the present situation.

Now, you heard at the very opening of this session that the task, in addition to this problem of the piece prices, which occupied 80 per cent of the field of operation in this country—you have heard, in addition to that, that there is the condition of converting 50,000 people to the idea of one trades-union. The representative of the trades-union itself told you that these people are naturally individualists. They believe in doing things to suit themselves; they reluctantly joined the union. As was stated by one of their own number, they are good strikers but poor union men. That is simply because they have not learned the value of cooperative effort—and yet I may say here that the leaders

of the Socialist movement itself are doing more good in teaching collective effort than anyone else on earth, and you know I am not a Socialist; but they are gradually teaching these people that by collective agreement, by working together and having a common interest, and by subordinating themselves to the laws of their own making they can accomplish more than by this system of guerilla warfare which they have used for 10, 15, 20, and 25 years.

I believe they have learned a great deal in the last five years, and I believe in three or four years more they will have learned the value of cooperation, not because they do what the manufacturers want them to do, not at all—though they want to claim everything they can get, of course—but the question is simply one of from day to day, what can be done and what can be done to-morrow; and so they have to have men who won't eat up all the men at first, but who will leave a little something over for supper and a little something over for breakfast; and the wise labor leader knows—he has to know—when to ask for things and when not to ask for them. But the guerilla system is to ask for things all the time and have a continuous state of arbitration, with 10,000 or 15,000 cases, and all the time some one who is holding a shotgun at the head—and then run an industry on that basis, Mr. Ballard, and see where you will come out. So that the collective idea is gradually getting into the minds of the people, and it would have made more progress if the very people who have been educating the mass of the people to understand the value of cooperative agreement had not been discredited by a man who seemed to think he is the only person in the world who is sane on this question and the only person in the world who is honest, and that everybody else is insane and dishonest.

There is a very important fact, Mr. Ballard, which you can easily find out for yourself, that in the union shops where merchandise is made and bought of other manufacturers the people are earning more money than the people that are in the shops—in the other shops—and that is because there is more work for them to do, because the people in those shops are willing to work more reasonably on the piece-price basis, and they earn as much as \$50 and \$60 a week during the height of the season; but, of course, if they want \$15 for making a garment which somebody else is willing to make for \$5, there is not enough work in that shop, and there you have an element which makes for disturbance all the time.

I will be glad to answer any questions now which the commission may wish to ask me at this time.

The CHAIRMAN (Mrs. Harriman). Have you finished?

Mr. COHEN. I have some references to minutes that I would like to make later on.

A VOICE. May I ask a question?

The CHAIRMAN. There is a gentleman on the floor who asks permission for a question. You may ask that question now.

Mr. SAM STANHOFFS. I want to ask Mr. Cohen a question. Before I ask a question I want to say a few words. I am a worker; I never in my life—

The CHAIRMAN. You asked for permission to ask a question. Please come forward and stand in front of the rail and ask your question.

(Mr. Stanhoffs comes up to the rail.)

The CHAIRMAN. What is your name?

Mr. STANHOFFS. My name is Sam Stanhoffs.

The CHAIRMAN. Will you tell us what your position is?

Mr. STANHOFFS. I am a worker—an operator. I could not get a job; I have been suffering the last year; could not get a job. I want to ask Mr. Cohen for what side he stands on?

Mr. COHEN. No; I do not.

The CHAIRMAN. Just ask the question.

Mr. STANHOFFS. My question is, Mr. Cohen just remarked—I intend to prove it to you—I am No. 1 man; that 50,000 people are working—I don't know what he means—I want to prove that 50,000 people who are working on clothes are not satisfied with Mr. Cohen—I could swear to every word that I am saying. They work night after night. You can see to-day—at 1 o'clock there is going to be a demonstration against this ruling.

The CHAIRMAN. We would like to hear what your question is.

Mr. STANHOFFS. My question is, Mr. Cohen said that if 50,000 people are dissatisfied with this protocol condition—and only 1 man means 4 of these 50,000 people—if Mr. Cohen would say 50,000 people are satisfied, he should

go on the East River Bridge and jump off, if you are to listen to him. That is my question.

THE CHAIRMAN. Do you want to answer that question, Mr. Cohen?

MR. COHEN. I think, Madam Chairman, that is a very good illustration of just what is going on. That gentleman has been out of employment for a long period of time. He belongs to Operators' Union No. 1. He believes that it is the business of the union to see that he shall get work. He has not had work, and he is in a condition of mind where he thinks what I am saying here is against him, and he thinks it is against the other workers who are out of work, and he is not in the frame of mind where he can study this problem out—how we shall build up this industry—and he has been led to believe, it seems, that the leaders who have been working are dishonorable, because they have been working in cooperation with us; and yet if what I have said is true, it is absolutely essential to produce the work he wants, that there shall be more work in the industry for him and for others. It is necessary to have that cooperation; and if he wants to throw me and the international officers off the East River Bridge, well, it may satisfy his feelings for the moment, but that does not help to produce more work in this industry. He is not concerned much about the individuals. What he and others like him want is more work, and we are trying to get him more work; but we can't build up a building by pulling one down; we can only build up by getting the bricks together and the other materials, and building is a slow process, and, of course, for a hungry man it seems very hard for people to come here from Washington and listen to a lot of things, where the thing does not work at the present moment.

I have not any feeling against this man, and I am sorry that he has any feeling against me; but it is not a question of destroying their present officers of the international or our officers. He must know that for three years and a half we have sat down at the same table with them discussing matters with them and with the cutters' union, and that the cutters' union has made more progress by sitting down and discussing conditions with us. He must know that the board of sanitary control involved the meeting of the manufacturers with members of the international; but he thinks that is a conspiracy, because he has not got any work—and we know it is a conspiracy; it is a conspiracy to raise the industry so that there shall be better conditions and more work. There is not anything in this thing that makes for hostility to the working people. If he will only take time to overcome his feeling and study the proposition, so he will understand what the real problem is, he will be one of the first to go down and tell his own associates that by following their present policies they do not get any work.

THE CHAIRMAN. Dr. Horwich, you asked for the floor, I believe?

DR. HORWICH. I want, Madam Chairman, to make a statement of personal privilege.

Mr. Cohen has repeated here a charge that I have accused the manufacturers' association of having attempted to bribe me. I never made that charge either publicly or privately, and when somebody who was acting as a spy, evidently, went to our meetings and distorted my statements and related them to the manufacturers' association, and that statement was made in the letter—it was made in a letter and I promptly repudiated it—I said, first, to the reporter for the Daily Trade Record that it was not true. Somehow or other the reporter did not render my words exactly; then I sent a letter to the Daily Trade Record and that is the letter read by the manufacturers. Moreover, I repudiated that charge also in the Yiddish paper, the Daily Forward, which is read by the workman. I never made that charge, and I am absolutely innocent of any such imputation, and I don't need to repeat that here. I will file with the commission copies and translations of my public refutations.

MR. COHEN. I want to read the statement the gentleman made to the Daily Trade Record. I have it in the Woman's World.

DR. HORWICH. Have you my letter there also?

MR. COHEN. I have this statement. I listened attentively to what you had to say. He says after giving the history of his services to the joint board, and the possibility of his continuing: "A month later my impeachment came. It was then no secret that I did not have much longer to remain with the union. At about this time there was some talk among a number of manufacturers about me, and the opinion was expressed that I was an efficient person—there are persons who think so—and that it would be advisable to appoint me as its representative, and also that I would prove valuable enough

for them to pay me \$10,000 a year. That reached me, and I retold it to a number of adherent cloak makers, to prove that what had been said about me, that through my obduracy I was creating discord with the manufacturers, was false."

Now, if that does not mean that some of the manufacturers were offering him \$10,000 a year to have him take up their employ, then the English language does not mean anything. And it has also created the impression in the minds of the people that we were trying to take him away from their service because of his remarkable efficiency and pay him \$10,000 a year for his services.

Dr. MOREWICH. I will have a chance to answer that.

Mr. COHEN. I hope you may.

The CHAIRMAN. Does any one else want to ask Mr. Cohen a question from the floor?

Commissioner LENNON. You must all remember this, I do not want to butt in, but you must remember that we are going to adjourn at 2 o'clock or a few minutes past 2.

Mr. GEORGE WISHNAC. I would like to ask a question.

The CHAIRMAN. Come forward and give your name.

Mr. WISHNAC. My name is George Wishnak. I would like to ask the speaker if he does not believe an impartial chairman on the board of grievances would rather express to our people a lost cause to the union than when it is merely a conciliatory board?

Mr. COHEN. Madam Chairman, the idea of an impartial chairman has been much discussed, and it was discussed before the board of arbitration. Now, an impartial chairman may mean one thing and it may mean half a dozen things. If it means that one person, called in for the moment, is to decide a particular controversy, that is a method for eliminating three arbitrators, and if the purpose of the impartial chairman are to get rid of this arbitration board which has decided against the professor so often and against the manufacturers upon other cases, of course, that is a good instrument for doing it. But if an impartial chairman is to be a permanent person who sits all the time hearing cases, then, of course, you have the continuous arbitration idea, and that is bad for the workman as well as for the manufacturer, and, for this reason, Madam Chairman, if you have continuous arbitration, you have people winning and losing lawsuits.

Now, we know in the factory, as has been explained to you by Mr. Zucker and by Dr. Abelson—the idea that the only way to get results is not only to get rights but to get something more than rights—by going to the men and having the men apologize for something they did, and having the manufacturer take them back. It is effective diplomacy.

Now, experience shows that out of 67,556 cases the present method disposes of every case and had disposed of every case except 8, and those had not involved disputed questions of fact. Now, if it were necessary to have somebody like a jurymen to decide a question of fact, somebody could be brought in. But what happens? What happens to-day is this: That it only requires one man on the manufacturers' side to vote with the people in the union to give a verdict for the union, and it only requires one man on the union side to vote with the manufacturers to give a verdict to the manufacturers; so you have to-day a system which avoids litigation by compelling people to conciliate. But the difficulty is just here, as was pointed out by Dr. Abelson: The man who is a conciliator is an elected official, and if he can't win all the time, when he comes up for election he is beaten; and George Wishnak, the man who asked that question, was beaten because he could not win 100 per cent of his cases. Now, he believes in the impartial chairman idea, because it would enable him to put the burden on somebody else's shoulders and would keep him where he could continue doing the work of conciliation. Now, it is not possible to have that advantage without having the disadvantage of continuous arbitration. That being so, we have felt that the suggestion as it was made was an impossible suggestion and would not work.

Now, there have been things tried in the dress and waist industry, and we can all learn from the experience in those industries, and I believe that difficulty can be overcome; I believe it can be overcome. I believe that I could sit down with a lawyer on the other side who conceived his function to be the work of construction rather than of destruction. I would find a way out of that difficulty with him; but I can't do it all alone. So I have asked repeatedly for the opportunity to meet this problem face to face, and I believe that problem can be solved. It can be solved to the satisfaction of both sides—not by the

specific proposition that has been made by the union and which has been turned down by the board of arbitration, but by some other way. I think if the parties would sit down together they can work it out.

I do not think I can discuss it because I can not take the time to discuss it now; I can not take the time to discuss the essential details, but that is a thing for constructive minds, not for a secretary of war.

The CHAIRMAN. Have you any questions to ask Mr. Cohen, Mr. Ballard?
Commissioner BALLARD. No.

TESTIMONY OF MR. ABE BISNO.

The CHAIRMAN. We would like to call on Mr. Bisno, if he is present.

The CHAIRMAN (Mrs. Harriman). Will you tell us what connection you have had in the past with the protocol, please?

Mr. BISNO. I have been the general manager of the organization of the cloak makers' union, and also a clerk for the union of the association for several months. How much time am I limited to?

The CHAIRMAN. How much time will you need?

Mr. BISNO. I could not say exactly, but it seems as though what I have to say will take off from the time of my friend, Mr. Hourwich, and I shall try to be as brief as I can; and I have asked Mr. Lennon if they have a session in Washington that I shall be called on to Washington to continue this testimony, because I am very much interested in it.

The CHAIRMAN. Mr. Bisno, I would like to make this communication: That anything that is left unsaid that any of the speakers here would like to have put before the commission, they may submit in writing to the commission at Washington. We are going back there this afternoon, and you can send anything you have left unsaid to the Industrial Relations Commission in the Southern Building, Washington, D. C.

Mr. BISNO. Before I say anything in relation to the discussion of the items under consideration, I would like to say something in reference to myself. Mr. Hourwich has introduced me here as a friend of his and would like me to represent him in this discussion; and while I sympathize very much with Mr. Hourwich and I will not have a chance to go into an extensive discussion of the several reasons, there are some of the things that I do disagree on with Mr. Hourwich. I do agree with Mr. Brandeis almost completely on his views with relation to this protocol.

Mr. JULIUS HENRY COHEN. Will you say that again, please; I did not hear you.

Mr. BISNO. I agree with Mr. Brandeis in his interpretation of this protocol very largely, almost completely; also it seems to me that in this discussion here the real subject matter under consideration has not been raised, and that the words "war secretary" and "conciliation" and "arbitration" and "mediation" have not been used properly in relation to the facts in the case, and that there has been a cloud of dust, if you please, introduced here in relation to the whole subject matter and it ought to be cleared up, and I shall do what I can to clear it up as best I understand.

It seems to be very dim and not clear in relation to the items under consideration.

There has been said a great deal about conciliation and mediation and a grievance board. The truth is, the grievance board can not, in the nature of the thing, be a conciliating or a mediating board; they are working under an agreement which specifies that the union and the manufacturers have certain relations, and it is the business of that grievance board to enforce that—not to conciliate about it, not to mediate about it, but to enforce it, and largely to enforce it on the manufacturers for union hours, union wages, not to discriminate against the union or the union men; and when the manufacturers' association come to court public opinion, asking that this question be conciliated and mediated upon, instead of enforcing them, in substance declare themselves bankrupt—to haggle upon the question of whether they shall pay 100 per cent of their agreement or 80 per cent or 60 per cent. You must bear in mind that the subject matter for this grievance board is not questioned, that they have not been agreed upon; it is questioned that they have been agreed upon; and the intent and purpose of that agreement was to have that thing lived up to, so that when the union and manufacturers' association come before that board the intent ought to be to enforce what has been agreed on.

I agree with Mr. Brandels; I agree that Mr. Brandels has disagreed on points of that arbitration; but the grievance board are not dealing with great points, they are dealing with points the union and the manufacturers' association have agreed upon, and they are ordering workmen to obey those rules; and if this grievance board is coming together on an agreed case as a conciliating and a mediating board, they come into court, so to say, declaring themselves bankrupt on the agreement; and the introducing the idea of conciliation and mediation is simply the idea of how much less shall we give you than we agreed to do. That is the real substance of the thing. And not only do they say this, but they say the question of how much less we can give you can not be passed upon by anybody, by any impartial chairman, by the public—but by ourselves. "We are the judges as to how much of that that we have agreed to we are going to give you." And understand, on this proposition that the workmen have been working, an impartial man to decide how much that has been agreed to, they say: "We are going to get a great deal of dust and cloud thrown upon it," and talk, nothing but talk, has been heard upon it, but not a real word on the heart of this subject. We, the workmen, say, "Gentlemen, you have agreed upon certain things being done. We do not want you to decide if you are going to give us 2 per cent or nothing and fill the air with beautiful oratory and all that." There has been a great deal of animus raised here with such words as "secretary of war" and "killing the reputation of that man and of this man," and so forth—it seems to me that that whole talk was out of place.

The truth of the matter is this, that a situation was created by which Dr. Hourwich was obliged to testify he was a scab agent, so he calls himself a scab agent; he was obliged to do it; he was obliged to do what he would call dirty work, so he put himself in the same class; and I believe this situation has been created by Julius H. Cohen and Paul Abelson and John Dyche, so any man can do something under this attitude that is likely to mete out justice.

Let me cite some of the contradictory propositions that have been submitted here under the theories of constructive work, peace agreements between capital and labor, etc.; let us go further, if you please, and call that social democracy and all of that—and that is the way the manufacturers propose to deliver from their side to the union—a faithful performance of their duty under the protocol. They say to us, "Gentlemen, this is a competitive industry; you must see that you or your side deliver, that the price for labor outside and the price of the association be approximately the same as that of our members, so that we may be able to stay in business and perform faithfully the provisions of the agreement we agreed on." And I believe this statement is right, that we ought to take cognizance of it and ought to do the best we can to deliver our side, that the prices for labor outside the members of the association ought not to be less than that of the members of the association.

Now, the scheme, in order to be uniform, must be a scheme by which the members of the association and the members of the union cooperate so that this principle can be introduced and lived up to honestly.

Well, I am going to say that I have got cooperative interests. I am going to cite the case of Mr. Crystal, who is in this audience—the gentleman is right here, so if I misrepresent here, he can call me down and say "You are not telling the truth." Mr. Lazynsky was engaged in that case, and he is right here. Members of the board of managers of the union are here who were engaged in that case, and the board of arbitrators; so all the witnesses are here; there can not be any difference of opinion as to the facts, and here is the story:

When I had charge of the union—I was the manager of that—a man came up to me whom I did not know, and asked me the following question. He said, "Mr. Bisno, give me an order from the union so I may open up a manufacturers' shop and get union man to work for me," so I said "All right, I will arrange it with you," and I sat down and wrote down his name and address, and asked him: "What did you do for a living before?" He said, "I have been a contractor, working for Mr. Crystal, a manufacturer, and now Mr. Crystal tells me that I must cease to be a contractor and become a manufacturer; that Mr. Crystal will furnish the cloth and he will call that so that he sells it to me, and he will furnish lining and call that he sells it to me, and hooks and eyes and buttons and trimmings he will put on his books so that he sells it to me, and afterwards he will buy garments from me and he will call that buying cloaks in the open market, and the difference in the price of cloth and the difference in the price of lining etc., between the selling price and the entire garment, will be that which I will receive to divide between

myself and my workmen;" and I said to him, "Why don't you remain a contractor and work for Mr. Crystal the same as you did before?" He said, "Why, you fellows have arranged it now that an outside contractor comes under the provisions of the protocol, and I am obliged to live up to the terms of this protocol, and Mr. Crystal finds it to his advantage to change his condition, so I am to be outside the provisions of the protocol, and then Mr. Crystal will be able to do better in his industry."

I said that I would refuse to give him that certificate, because I am an officer of the joint board, who have made an agreement with the manufacturers' association to support the protocol in the arrangement we had made. He said: "You are off, you are wrong, I will go to the board of directors," and he went with his story to the board of directors, and they said to him that they refuse to give him the certificate, and he said to the board of directors, "Gentlemen, you are wrong, every man has a right to go into business; I will go before the joint board," and he did, and the joint board said to him, "You can't get the certificate." Well, what was done? His people were called out on strike by the joint board. Now, his people then came to the people who were working for Crystal in other shops and said to them, "Gentlemen, the joint board has called us out on strike; you are against Crystal, you are aiding Mr. Crystal to get money enough to defeat us. Join hands with us." And they did strike. Two or three shops went out on strike to help the shop that Mr. Crystal wanted to make a submanufacturing shop, in order that they might bring Mr. Crystal to terms on the question of defeating the provisions of the protocol.

The joint board approved of that and paid strike benefits. Then these people came to the people inside the factory of Mr. Crystal and said to the men inside, "Gentlemen, you are scabbing on us; the joint board has ordered a strike and you are hurting us. Help us." And the men inside, without my knowledge, stopped work, so that they could bring Mr. Crystal to the terms of living up to the provisions of the agreement. I was then called up by my friend Lazynsky, who served notice upon me that the protocol provides for no stoppages of work, and no strike, and I was obliged to go over with Mr. Lazynsky to the shop, order the men to go back to work inside, and they did; and I then said to myself that under this queer arrangement between the union and manufacturers' association, we were put into a position where we were obliged, in the performance of our duties to the manufacturers, to order a strike, and we were then obliged by this provision to order other members of our union to scab against him, and outside their purpose. This arrangement is a very impossible arrangement, and when Mr. Rosenberg takes the stand here that he has a right to buy in the cheapest market and, while having an arrangement with the union for agreed hours, agreed price, weekly wages, he subverts an impossible condition under which an agreement of that kind can not be had.

Gentlemen of this board, you don't know what it is for a workingman to sit in the shop and agree to the price of labor that the boss wants him to have—depending on that agreed price for himself and his wife and his children, in a season's trade where every week counts, and then find himself looking at the price list on that agreement, with nothing to do, and to have his family and wife subjected to starvation, and then the union and manufacturers' association in agreement to subject him to this torture—I tell you any man subjected to this condition can not sit submissive with such large forces arrayed against his interest. And we have submitted to the manufacturers' society protective provisions, as our friend Mr. Julius Henry Cohen calls them, for helping out this problem. I cited one case where the testimony has been overwhelming, running like wildfire all over the industry, where they agreed to the price of labor not giving the workingman bundles with which to perform that labor, forming the members of the manufacturers' association into a jobbers' association and holding their prices—this business has to be stopped—"No strike," "No stoppage of work," "You have violated your agreement," etc.—that ought to be stopped.

I have said to you before that unless the attitude of the manufacturers' association is that the grievance board be an enforcing board and not a talking board the grievance board itself is then made an instrument for purposes of oppression.

Let me cite to you an example. These examples may be numerous—several thousand.

A manufacturer violates the provision of the agreement according to our interpretation of it. Paul Abelson is here. I will take a case where he and I have been on it, so there will be no question with reference to the veracity of what I say, and know. A manufacturer is told that his help—they have fixed the price for piecework, the price for labor on piecework. The workman then comes to me and complains as follows: That this manufacturer has not been dealing fairly with them on the settlement of the price they have charged; that he will discharge any man that will not concede a certain low price for labor; that he will actually use violence on some of the timid members. They charge that he will use violence on some of the timid members of the price committee, that he threw somebody out and threatened others to throw them out through the window unless they conceded to his settling of the price, and that he has made a price for labor at a time when it was not in the union and the manufacturers' association to make the price for labor, and that the lowest possible time was when the best price for labor was made, and so on. Mr. Lazynsky and Mr. Abelson on this position said the manufacturer was right, and they would not go into the question of a settled price for labor. I, representing the union, said, "The manufacturer is wrong, and we ought to go into the question of enlarging the prices for labor."

The question came up before the employers' executive committee. I understand, and they have passed an order that you can not enlarge a settled price for labor no matter what was done, and I dispute with them on that, and I charge that that was committing violence to our agreement, and I ask that we have an impartial party to pass upon it. What did they answer? They answered to that just as Mr. Julius Henry Cohen has submitted to you here to-day, and which has been submitted before, that you can not have an impartial party decide these things all that time. But what happened? These men could not work at those prices. Then they were thrown out. Then they picketed the shops, and the union was obliged to put other men there, and in turn they picketed the shop. To get these pickets away and to protect this manufacturer in his violence and deceit on the union they picketed the shop, and the only alternative we are offered is to go to conciliation and mediation. But there was nothing to conciliate there. It was simply a question, Would this man honestly live up to the provisions of the protocol or did not he want to live up to the provisions of the protocol—did he or didn't he—and we claim he did not. We have no redress, and we are obliged to be in the position of an organization in aiding the manufacturers only against the interests of the men.

It has been said here that there is brewing in the union an element of what they call syndicalism to disturb the membership of the union.

Commissioner LEXSON. Just answer one question. Did that case you are talking about go to the grievance board?

Mr. BUSNO. Yes, sir; the grievance board, Mr. Chairman, while I was an officer of the union, practically agreed. When I came to the grievance board afterwards they told me it was the best thing out. The other members of the union told me, "We can't get anything from this board; there has been a disagreement for the last six months"—before I came; when I came almost the entire year there was almost constant disagreement. The manufacturers' association took it into their heads to take this attitude of conciliating and mediating—"Agreed upon"—and that they were the only conciliators and mediators, and there was no conciliation and no mediation practically during the entire period. My own impression is that they made a mistake. During my two weeks' stay in the city here I have inquired among members of the manufacturers, and they have taken the attitude when I have asked them what they think about an agreement of peace, that they will abolish strikes, and they told me it was the best thing to do, it was the best thing out, and they will stand for that. I have inquired among these men of the most influenced minds what they think of an agreement of price, and they said to me that they believed in the protocol and believed in an agreement of peace.

I have not yet run across—not during the entire time I was an officer of the union—a single man, either manufacturer or union man, that told me "we do not believe in the agreement between manufacturers' association and the union or to eliminate strikes," and the following, I think, is the reason: An individual strike in a factory is no answer to the problem of labor, because there, too, he only wants a price list and does not want the bundles, and it is not—and therefore, when he is successful in a strike, his so-called success does not provide means of earning a livelihood, and an individual strike is unnecessary to our problem. A general strike, unless followed by an agreement between the manu-

facturers' association and the union, is only an answer to our problem for 8 or 10 weeks, during this particular season. Next day the season—and the strike ends, men have no work; competition between shop and shop begins to generate the so-called factory only; next season the factory of the last season has drifted out and they have begun the thing over again. So that strikes, in the opinion of most men who have studied the industry, are no answer to the great troubles of the men engaged in that industry. The only real answer must be an agreement between the manufacturers and the union, and the agreement must be of the kind that will be workable; that will not lead the men and the manufacturers into a blind alley so that they can not get out.

And I submit that to the interpretation of these gentlemen of the grievance board, I submit it is a blind alley where you have to conciliate, you have to go through this place, and you are shut off by disagreements, and we have to stay in that blind alley until it is opened up; we have to open that alley somehow. As chairman of the grievance board, an impartial, honest man, honest to both sides, who will answer everything—not arbitration on disagreed points—that is not what we are asking—we say to these gentlemen: "Gentlemen, you have agreed to a protocol, have you?" They answer, "Yes." We say, "Signed by the officers of the manufacturers' association and the union. Gentlemen, you agreed to a protocol to that effect, didn't you?" They answer, "Yes," and to the union we say, "Gentlemen, you agreed to a protocol, did you?" They answer, "Yes." We ask, "Signed by the officers of the union?" "Yes," they answer. Then, working under that instrument, that is not subject to conciliation and arbitration, which that whole talk has been about; that is subject to enforcement, and you have to have an officer to enforce it, or, at all events, to interpret it. The union claims this is enforceable one way and the manufacturers claim it is enforceable another way, and the only way out of that blind alley is a chairman who will know, because I believe with Mr. Brandeis that you can not arbitrate on agreed points; that you have to mediate and conciliate on these points, and unless you do your arbitrary decision on this will not be a working instrument. But on agreed points there is no difference of opinion, and there ought not to be, unless Mr. Julius Henry Cohen and the gentlemen of his association agreed that on agreed points we have an impartial chairman of the grievance board, you have led us into a blind alley, which we can not go through. Mr. Cohen, they have there in Chicago, to my knowledge, a chairman of their board, which is a grievance board, and I was told by Carl Meyer, the lawyer of the manufacturers—of the manufacturers, a firm that employs eight to ten thousand people, a lawyer of a law firm which is one of the largest in the United States, representing banking interests and large constitutional interests—he told me, Mr. Cohen, the chairman of the board is a blessing to the industry.

It is an answer to the contested problem, and Carl Marx was speaking not for the workman but for the manufacturer. Mr. Sidney Hillman told me he represented the union—that the chairman of the grievance board—that an impartial chairman of the grievance board in their case was the best thing that the union introduced; that there is no friction; that there is no threatened strike; that there are not all thousands of officers calling themselves secretaries of war and so on; that there is no pretense on the subject of conciliation and mediation, but they are running an industry in the most successful way in the United States concededly so by everybody.

That is the most successful and conservative clothing firm in the United States. That is run under this rule, gentlemen, that you show so much fight on, all of you, the rule that when there is a difference of opinion on an agreed point between the manufacturer and the union, impartial parties in whom both sides have confidence, may decide, so there may be no blind alley.

Mr. JULIUS H. COHEN. May I interrupt you for a moment?

The CHAIRMAN. We would rather wait for questions until he has finished, Mr. Cohen.

Mr. BISNO. I understand, and I sympathize with the manufacturers, Madam Chairman, when they tell me that the subject of submanufacturers and subcontractors in out-of-town work and in town work, and so forth, are difficult and complicated questions. I know it is true, and I know that it is necessary to apply to the situation the greatest amount of brains the most informed of men can bring to bear on the study of the situation, so that there may be an answer to the question. Why should a union man scab against a union man under the agreement? And I believe Mr. Cohen will bear me witness when I say that for purposes of constructive mediation and conciliation that is borne out, and on these points you find us in the advance guard. I claim that when I had

charge of the union, with a whole series of propositions, I said to the manufacturers, "Gentlemen, I will be glad to deliver you what we have," and I ask you to do the same—your association is more or less in relation with the union, so we may work hand in hand to get an answer on this question and also answers on other questions—and what we have received during the entire time—what has it been—I may say I make this statement with regret and with pain—it is only an unlimited measure of talk and of oratory, but practically no cooperation for the purposes of aiding the union or the manufacturers to give an answer to this vital question.

I think I could go in with Mr. Cohen; I think the records will probably show that Mr. Cohen delivered himself beautifully on hundreds and on thousands of occasions; but he did not come together with us every time we wanted, or every time that we ought to have wanted, to come together with us and give an answer to this question.

Mr. Cohen, you want the agreement; I told you the union wants the agreement; that I told you if we found a single inflamed mind in the entire crowd—and I am willing to be put under oath on this proposition—that did not want the agreement; I told you I never found one single inflamed mind that did not want the agreement; I told you I have not found a single manufacturer who does not want the agreement. You must answer to the question of this so-called manufacturer and subcontractor. You must answer to the question of the provisions you have agreed to; you must answer to the question in a certain sense, in good faith.

Mr. Cohen, when you say you are experimenting on the proposition and putting on piecework and week work, and so on, you know you and I have been working on this thing—not on experiments, but on questions of values.

Mr. Chulman, you can not introduce in this matter, in this industry, two forms of pay without either one being used for the purpose of defeating the other, or both. You know the difference between week speed and piece speed; but that is not all. Suppose you have a body of men working on piecework, earning at the rate of \$30 at a price settled, but where they have only three days a week work—and we know it is so—then the manufacturer will put on a body of men working by the week at \$20 a week, and he will not give them steady work at piecework, and it is better to work at the rate of \$20 a week week work than it is to work at the rate of \$30 a week if you are only going to have three days a week work.

If a man working three days a week would work at the rate of \$20 alone, he would be starved. There is the competition between the pieceworker and the week worker. You see both of those gentlemen have a union of interest. You are putting up an impossible situation, and the man who has nothing to do will go crazy if he has nothing to do.

Mr. Cohen comes here with his very flowing and beautiful talk to the effect that an experiment was being made, but Mr. Johanson says he did not concede it. It is week work and piecework in competition and it is impossible to maintain any sort of union standards or any sort of union rules or agreement rules under such conditions; there are any number of impossible situations entering into this. There ought to be an agreement, an understanding. For instance, Mr. Lazynsky and I went over to a gentleman named Norwick, who was manufacturing cloaks and also raincoats, and Mr. Lazynsky said to him that under the provisions of this protocol he was obliged to employ 40 workmen.

This was not in the protocol, they said. They said we are obliged to work at half the wages of those not in the protocol, so it put the men under the protocol in the position of doing the work of the men not under the protocol.

So the men went out on strike, and Mr. Lazynsky and I went to look at it to see if we could settle it—the union-men protocol; the nonunion, not protocol; competition; and so on.

Mr. Lazynsky says there is a new situation arising in the business—no; we won't do it. Then the raincoat makers went down and they picketed the shops. The protocol men upstairs were working—the members of this ladies' garment workers' union—and when these people from upstairs came down the others asked: "Are you fellows doing our work?" "Yes," they replied, "nobody told us." "Well," they were told, "you will have to come down, too." They replied, "No; Blsno told us to and Lazynsky told us to stay." I came over to Lazynsky and argued this impossible situation with the manufacturers' association, that will put a union under this sort of an interpretation, that it is an impossible thing. I don't know, but I suppose he has had a meeting of his executive board, or whatever it was—but that is the proposition. And the

protocol men went out. They said they were raincoat makers; they were no longer under the protocol. The whole business went on strike, and then Mr. Bisno was obliged to disagree with Lazynsky in regard to the price for labor for articles not under the protocol, and then they went back, and the thing was settled up.

But it certainly was not settled up in a reasonable way or in a way in which the union and the association could work hand in hand.

Gentlemen, do not make high-flown speeches. Come here on the level if you want to argue and agree or disagree; and if you disagree to submit the point to an impartial umpire, and you can decide on agreed points—not on disagreed points, but on agreed points that you have agreed to. Let us have an honest cooperation that is to extend the beneficent results of the protocol into the entire industry so that Philadelphia, during strikes, can not have its work attended to here, and that we are obliged to scab on Philadelphia; so that Cleveland during strikes can not have its work done here. Let us work hand in hand. Let us honestly cooperate for the preservation of the industry.

There are, we know, syndicalists and socialists in this industry, but I tell you I honestly believe that the manufacturer is entitled to be prosperous; otherwise the men are not going to be prosperous, and I will do my best to put the manufacturer in a position where he can honestly carry out the terms agreed upon. I tell you that most of the men are not in the feeling of destroying anything. We want to cooperate—but no buncombe about this—we want to cooperate, but we can not stand in the blind alley that is offered to us; we can't in the blind-alley arrangement on the subject of agreement for prices, and then the bundles to be taken away; and we can only look at the price list on the wall—we can not stand that; and you must agree with me that dead men can not be used to make protocols, and they can't be alive to make agreements on the prices of labor and have protocols and agreements with you gentlemen and have them disputed.

Let me say something on the subject of the international. There has been a great deal of bad feeling introduced here and there—I told you when I started that Hourwich called himself a scab agent; I told you that if I rectified a number of cases you would agree with me I was a scab agent, doing violence to every principle that I considered sacred—simply because of this impossible arrangement.

If you introduce an impossible arrangement, then naturally it follows that the international officials and the local union should tear each other's hair, that there should be a condition of war instead of a condition of peace. Change the condition so that we can all live at peace, one with the other.

There is no war between the international and the local union. There is no occasion for a secretary of war. They do not discredit the leadership of any man. Mr. Hillman represents the best of the workmen, and I know it; I have seen how he is accepted by them; I have seen the boys carrying him on their shoulders—not simply as a demagogue—they will come there and take up their time and talk business and they will not talk syndicalism, as Mr. Cohen says, but serious cases. He is a most honest man. Mr. William O. Thompson, the attorney for the union, is not called names by the union, but he is to-day the most respected man in the industry. Not only that, but Paul Meyer, the man who is a member of the most monopolistic law firm, as I will call it, in this country—a man who has been fighting labor for years, is to-day respected and honored by every man in the shop; and I can bring testimony here to prove it. You have been in Chicago, and you who have been there will not question the fact, but you will probably agree with me. Winslow told me that these two men, William O. Thompson and Paul Meyer, have brought the best contributions to the interest of labor in this country that any man has brought. So that there can be no question about it; they all agree upon it.

In answer to the question about submanufacturers being registered, every one of the men you know—ask him if he wants to be subjected to the terms of the protocol. No speeches about that; otherwise the protocol can not exist.

In answer to the question of the wages, and the terms of the agreement—no speeches about that. It won't do. Somebody infers that it took an attitude of interference, but not an attitude of conciliating. Leave it out. I think that I can probably agree with you that you can not deliver 100 per cent; well, I am willing to take 90 for the joint board. Sometimes I am willing to go down. But I am not willing to have you pass on it when we are getting nothing, and you are the only judges. It is an impossible situation. We have a very diffi-

cult proposition; we may be subjected or obliged to take 90 per cent; maybe obliged to take 95, and at times 85 or 80—we will have some sort of a show anyhow. But under present conditions the grievance board has been a disagreement board—nobody to enforce—because of the nature of the thing, the complication of making prices here depending largely upon psychology.

Now, let me tell you something about psychology—it is very interesting. I think you will find it in your experience, too. In several hundred people there are many who have a social conscience, a fear of not doing right; they have a sense of fair play. Perhaps not all of them have this, but out of every hundred there will be 10 or 15 men who show that they have a sense of fair play, and they have a sort of spiritual life related to the labor union that they call fair play; they are not men without any stomachs—they want to eat, too; they are not men who have not families—they have families—they are so constructed that they have to eat—but they have this psychology, that they have a social conscience.

Now, these men are usually made members of price committees—and these men are in the vanguard of the union; then we have 70 to 75 per cent of the "don't care" family. Now, the manufacturer can smell a rat, very naturally, and he finds out, from those men who make the price for labor, who is working for his interest and who is not working for his interest, and he has got an easy chance to get these men out of the job. Now, getting out of a job—you know what that means. It was explained yesterday. It means putting their families into a starvation condition. Now, the whole business of conciliation and mediation comes in as a beautiful joke.

For instance, John Smith has been fired, we know, and it has been said here that there are 1,000 or 5,000 of John Smiths in the business and in the labor union; he has been fired under the charge that he was found smoking on a fire escape. The rules provide that he shall not do that. Well, John Smith is the chairman of the shop union and has been known to be loyal, and he has been discriminated against before, and the whole attention of the union is concentrated upon John Smith.

Well, the business agent of the union comes in and says, "Gentlemen, this man is guilty of an offense; he has been smoking on the fire escape. I move that we fine him \$10." Ordinarily he would have been fined, for a first offense, \$1. He says, "I move we fine him \$5"—somebody else says that. Will we come to a tribunal to decide this thing? No; he is discharged. To-morrow morning another fellow of the same kind may be in the same place, or any of the one hundred and one cases for which a man may be discharged for what they call difficult to prove, Madam Chairman.

Now, we have had an agreement and understanding with the United Cloak-makers' Association of this town, where these difficulties are remedied, these defects and deficiencies, and we have a board of arbitration, and I carried away 18 out of 20 proceedings victories for the union. Now, does that mean that was wrong and unreasonable. And a syndicalist, as he is known in this town, is considered to be the head of the sociological department of Columbia University—I refer to him, Mr. Devine; he is known to be charitable; he is known to have among his personal friends numerous officials; he is not a syndicalist—but he was convinced that my cause was true; he could not go against his conscience and decide against me.

I can say the same for the arbitrator for the union, Mr. Weyl, who decided some of my cases. I have asked manufacturers to decide some of my cases. I was perfectly willing to go to a jobber to decide some of my cases—any man who was a fair man, whom I considered not biased, who had not made up his mind before he came to court—any man of that kind I am willing to take to decide any of my cases; and I am willing to take any gentleman here and ask him if it is not perfectly true, and gentleman who knows anything about it.

Now, you can not maintain the protocol unless you give this answer. You must have an impartial tribunal now to enforce it, and not talk any longer about conciliation and mediation.

We will go in with you, Mr. Cohen, on every constructive proposition you may make, where we can help you, and we will do so in good faith; if you put up against us blind alleys there will be riots in New York.

Mr. COHEN. May I ask Mr. Bisno a few questions?

The CHAIRMAN. You may, Mr. Cohen.

Mr. COHEN. Mr. Bisno, you have been described by Dr. Hourwich as one of his friends, and I assume you are?

Mr. BISNO. I am.

Mr. COHEN. You said, when you first started, you believed that Mr. Brandels was in the main right, almost wholly?

Mr. BISNO. I said that.

Mr. COHEN. Do you share Dr. Hourwich's feelings against the board of arbitration in our industry?

Mr. BISNO. I do not.

Mr. COHEN. You have confidence in their integrity, have you?

Mr. BISNO. I have.

Mr. COHEN. Have you confidence in their understanding of the industry?

Mr. BISNO. I have, only I want to submit some qualification of that.

Mr. COHEN. You may.

Mr. BISNO. This industry requires a great deal of work. Mr. Brandels is a very busy man, and he runs a law office, I understand. He is also an active journalist and, if I am not mistaken, he probably has enough for 10 men to do; he is a very active man. He gets also a great deal of work with regard to our other situation.

Mr. COHEN. That only means that the work that they do is not as much as you would like them to do.

Mr. BISNO. That is so.

Mr. COHEN. But so far as the work they have done is concerned, have you any fault to find with its efficiency?

Mr. BISNO. I have no question that they are on general principles.

Mr. COHEN. You think they are right?

Mr. BISNO. Yes.

Mr. COHEN. I do not know whether you know it or not, but do you know that your proposition for an impartial chairman had been submitted to the board of arbitration, and was being considered by them?

Mr. BISNO. That is what I understand.

Mr. COHEN. You understand that?

Mr. BISNO. But, Mr. Cohen, I want to qualify this answer. I beg your pardon. The position with Mr. Brandels I believe is right, and he says to us, "Gentlemen, I am an arbitrator, I am a conciliator, you gentlemen agree on this proposition, and then I will pass along with you, and that will become the law of the industry, and unless you gentlemen come to this board and say to us, or anybody, we agree that there ought to be an impartial tribunal to enforce the provisions of the agreement, if you say that, we say all right." Then Mr. Brandels can come to you and say, "All right, let us consider it this way," but if you disagree Brandels won't decide for you, and the reason that he won't decide is in obedience to his philosophy. This whole business is not an arbitration, it is only being more or less agreed on things where we can find out before, and when I am speaking of fighting it out I do not mean strikes, and I ask you here in public, will you for the manufacturers agree to have an impartial tribunal to decide the questions that have been agreed, not that have been disagreed, but have been agreed, and I tell you that Brandels won't decide it for you because his line of reasoning, and I believe he is right, is not to arbitrarily decide; he wants to conciliate; he wants to bring the union and the manufacturers' association together and hear both sides and see how near they can go.

Mr. COHEN. Mr. Bisno, you said you did not want any speechmaking. Please help me to understand your position by answering my questions. I want to know what I am to do. You say the board of arbitration will not decide anything. Do you know that the matters that were submitted, after the deadlock conferences upon these various propositions were submitted under the rules which provided that the decision of the board of arbitration shall be binding upon both parties? Do you know that there is now pending, under consideration by the board of arbitration that are attending to the rules, that the decision of the board of arbitration shall be binding upon both sides? Do you know that that is the fact at the present time; can you not answer that yes or no, Mr. Bisno?

Mr. BISNO. I would like to ask the chairman to answer this question by putting in the necessary qualifications.

The CHAIRMAN. Yes.

Mr. BISNO. Thank you very much.

Mr. COHEN. I would like Mr. Bisno to answer it.

Mr. BISNO. Mr. Cohen, the truth of the matter is that this whole business is a great deal a question of attitude. If Mr. Brandels would find that the whole protocol would be broken up if he gave us a chairman, he won't give it

to us. If Mr. Brandels would find that this whole protocol is likely to be broken up unless he would give us a chairman, he probably would. It is a question of the attitude on the part of the mind of both parties, the union and the manufacturers' association. We have expressed our attitude of mind. We want you to express your attitude of mind so that we can come before Mr. Brandels and put it to him in a shape in which he is likely to absorb this whole thing—the arbitrary conciliations and mediations—and we ask you for an attitude of mind.

Mr. COHEN. Then you want the commission to understand that the present difficulty is not that the manufacturers were willing to submit the matter to arbitration, but that there is something with the matter of the attitude of the mind of the chairman toward the proposition?

Mr. BISNO. The attitude of the mind of the manufacturers testifying here is that every one of them is in substantial disagreement with the idea of the chairman.

Mr. COHEN. Even if we were, do you believe that your reasoning in favor of an impartial chairman is sound?

Mr. BISNO. Yes.

Mr. COHEN. Do you believe you can convince an impartial tribunal that you are sound upon that proposition?

Mr. BISNO. Yes.

Mr. COHEN. You believe that Dr. Weyl and Mr. Brandels and Mr. Hamilton Hoff are an impartial tribunal?

Mr. BISNO. I do.

Mr. COHEN. Then why don't you leave a question which you believe to be perfectly sound, and which you think you may convince an impartial tribunal is sound, to the impartial tribunal in which you have confidence, where it resides?

Mr. BISNO. I have no objection to leave it to them, except with these applications. This impartial tribunal has already before expressed its opinion that it can not sit in court as an arbitrary power; that it can only sit in court as a willing and a mediating power; and that when both sides come near having a union of opinion that it is the province of this court to come in and help both sides to enact it into law and carry it out.

Mr. COHEN. I was aware what your difficulty is, Mr. Bisno, and let me state this to you for your information, because it is a very vital matter for you in determining what your policies are: You were here at the time when the board was acting in a conciliatory way. The board has since determined in several matters that it has power, in case of a deadlock, actually to decide, and those decisions are binding upon both parties. Now, if it be true that the board of arbitration to-day has power to make a decision, absolute power binding upon both parties—

Mr. BISNO. Is it the attitude of mind that it is willing to do it?

Mr. COHEN. Yes; but it wants to consider both sides of the question of the impartial tribunal. Now, you certainly do not stand for a proposition that means that both sides shall not be considered on that question, do you?

Mr. BISNO. No, sir.

Mr. COHEN. You want it considered on its merits, not because you, Bisno, say so, or because I, Cohen, say no; you want it considered on its merits, don't you?

Mr. BISNO. Yes, sir.

Mr. COHEN. You want the opportunity to present the experience in the Hart, Schaffner & Marx situation?

Mr. BISNO. I do.

Mr. COHEN. And if you were honestly convinced by argument that it would not work in this industry, even though it worked in the Hart, Schaffner & Marx industry, you would be ready to open your mind on the subject?

Mr. BISNO. My mind is always open.

Mr. COHEN. What is your objection, then, knowing that the board of arbitration is an impartial tribunal, which you respect, that it has the power to determine this question, and if you believe you are right, what is the objection then to your submitting that question to them for their final decision? Could not you say: "I agree now that I, on behalf of my clients, will abide by any decision that that impartial tribunal renders." But I want you to present the experience of the Hart, Schaffner & Marx case. I want you to present every argument that you can make for the impartial tribunal; I want you to have

an open mind as to how far it can apply to the cloak-making situation in New York; now, are you ready to do that before the board of arbitration?

Mr. BISNO. That is a very fair and candid question for Mr. Cohen to ask me, but I can not answer it unless I give some sort of a history of this story.

Mr. Brandeis has assumed the attitude of a conciliator, and does not divide the situation between the powers necessary to enforce great questions, and the powers necessary to bring about a union of opinion on disagreeing questions, and he has been, on general principles, in the attitude of mind of conciliation. Let me recite to you an instance, and I will then tell you my opinion about it.

Mr. COHEN. But I want to say—

The CHAIRMAN. Let Mr. Bisno finish.

Mr. COHEN. I want to ask his opinion, and I may be able to save some time just to keep your point, if my interruption does not help you to keep it, but Dr. Moskowitz, the clerk of the board of arbitration—will you take his attitude for the board of arbitration, as at the present time?

Mr. BISNO. I have a great deal of confidence in Dr. Moskowitz.

Mr. COHEN. Will you take his word upon it?

Mr. BISNO. I suppose so.

Mr. COHEN. I ask, Madam Chairman, in view of the challenge made to me, that Dr. Moskowitz be asked to state from the decisions of the board, and from the minutes of the board of arbitration, what the attitude of the board is with reference to its power to decide submitted matters, after they have gone through conference, because apparently Mr. Bisno, since he left for New York, has not been familiar, as I have been, with the attitude of the board of arbitration. Are you willing, Mr. Bisno, before you proceed with your explanation, to have that official statement of what the attitude of the board of arbitration is, and the method by which they proceed to determine?

Mr. BISNO. Perfectly willing that Dr. Moskowitz will give me his motives.

The CHAIRMAN. You have finished?

Mr. BISNO. I agree with Mr. Cohen on that, that Dr. Moskowitz is to have the floor, but I only want to submit one experience I have had with Mr. Brandeis on this. I have told him of all the troubles we have had in the union, and he said, "Get together with the manufacturers, and conciliate." I told him that we had conciliated, and that the other side did not conciliate, and he said, "Sweat it out" and I told him that we were doing all the sweating and the other fellow is not sweating at all.

Mr. COHEN. I do not agree with you on that. There is a lot of perspiration on our side too.

Mr. BISNO. I said that our men are discharged, and I considered subjected to starvation in hundreds of cases, and that they run their business smoothly and quietly, and keep on disagreeing in the grievance board. He said, "You can not submit this to arbitrary rule." He suggested to me that if a certain gentleman was put into that grievance board, he would agree to have him pass upon several contested issues, etc., so that Mr. Brandeis is extremely difficult and very much prejudiced, as I would call it, on this proposition, and yet, Mr. Cohen, I have confidence in Mr. Brandeis, and I believe that if we come to him and tell him our story and all of our story, that if we can only get time enough—the man is very busy—I believe he would concede that agreed cases ought to be submitted, and what has been agreed on should be subject to enforcement, and not talk.

Mr. COHEN. May we hear Dr. Moskowitz on that, because I want to ask Mr. Bisno some more questions.

Dr. HOURWICH. A good many charges have been made against me, and I think it is no more than fair that I should have a chance to say something.

Mr. COHEN. I won't be more than a few minutes.

The CHAIRMAN. Dr. Hourwich, when we have heard from Dr. Moskowitz and Mr. Cohen, we will hear you.

TESTIMONY OF DR. HENRY MOSKOWITZ.

Mr. COHEN. You are the clerk to the board of arbitration, are you not?

Dr. MOSKOWITZ. Yes.

Mr. COHEN. You have been present at all of these sessions of the board of arbitration held during the last year or two, have you not?

Dr. MOSKOWITZ. Yes.

Mr. COHEN. And especially those sessions that have been held recently, and you are familiar with the practice of the board of arbitration, are you not?

Dr. Moskowitz. I am.

Mr. COHEN. May I ask you to stand up, as the boxes are hiding your view. Are there pending to-day before the board of arbitration certain questions which were deadlocked before the board of grievances as a conference body?

Dr. Moskowitz. Yes; there are.

Mr. COHEN. Those questions were submitted to the board of arbitration for final decision, were they not?

Dr. Moskowitz. Yes; they were.

Mr. COHEN. And you so understood it?

Dr. Moskowitz. I understand.

Mr. COHEN. Among those questions was a proposition submitted for an impartial chairman for the board of grievances?

Dr. Moskowitz. The proposition for an impartial chairman, or the general proposition to overcome the deadlocks and grievances in the board of grievances.

Mr. COHEN. Was the matter discussed before the board of arbitration?

Dr. Moskowitz. The matter was discussed before the board of arbitration, and also discussed after conference. Madam President, may I just add here one word?

The CHAIRMAN. Yes, Doctor.

Dr. Moskowitz. I want to say that this question of an impartial chairman, and the question of overcoming deadlocks in the grievance committee, is being carefully investigated by the board of arbitration, and they intend to make a definite decision upon this matter. The board at no time expressed any opinion one way or the other on the subject. At the last meeting of the board after it had decided a question of wages, it also decided to continue to investigate the working of the grievance committee for the purpose of enlightening it before it rendered a decision.

This question is still up before the board of arbitration, and I want also to add this one remark: And that is, that the board of arbitration as a board has always been loth to decide questions before they have been considered in conference and before the machinery of conciliation has been exhausted, but that does not mean that the board of arbitration has not been ready to give final decisions on questions, after the machinery of conciliation has been exhausted and after conference, and this particular matter concerning an impartial chairman is receiving very serious consideration by the board.

Mr. COHEN. Or in other words, in short, Dr. Moskowitz, the suggestion made by the union of an impartial chairman for the purpose of avoiding deadlocks is now under consideration by the board of arbitration; it has power to decide that question finally?

Dr. Moskowitz. It has, finally.

Mr. COHEN. And you understand both sides are bound by the decision?

Dr. Moskowitz. Both sides bound by the decision.

Mr. COHEN. Do you understand there is to be a session of the board of arbitration to-morrow morning?

Dr. Moskowitz. There is.

Mr. COHEN. Will the board be willing to hear Mr. Bisno present any arguments that he wants to present in behalf of the ideas that he thinks are valuable?

Dr. Moskowitz. With the greatest of pleasure the board will be very glad to hear Mr. Bisno.

Mr. COHEN. And I assume, of course, if there are any criticisms on that the board will take them into consideration?

Dr. Moskowitz. Exactly.

Mr. COHEN. Now you said the board had made a careful investigation and study of the workings of the board of grievances?

Dr. Moskowitz. Yes.

Mr. COHEN. How long has that investigation taken; how long a time has it covered?

Dr. Moskowitz. It investigated a number of them and this was one of them and, offhand, I think it has taken over, I think, six or eight months; perhaps longer; I do not remember exactly.

Mr. COHEN. Who is paying for that investigation?

Dr. Moskowitz. Both sides.

Mr. COHEN. And the report of that investigation has not yet been made?

Dr. Moskowitz. Has not yet been made.

Mr. COHEN. So that it can be made as soon as it is completed to this very board?

Dr. MOSKOWITZ. To this very board; in fact, it will be made to the board. I would like to say this, Madam President, that the board did decide one question, and that is the question of increasing the wages of one branch of the week workers, the pressers; and, as a result of its decision, an increase amounting to \$300,000 annually was awarded to this branch of the industry.

Mr. COHEN. And was it observed by the manufacturers?

Dr. MOSKOWITZ. I think it was; I am sure it was.

Mr. COHEN. Have you heard any protest?

Dr. MOSKOWITZ. No. Perhaps I might add that I have not heard any protest; perhaps that would be more accurate. I have not investigated that matter. I wish also to say that the board is still considering the other questions which it is investigating and has not yet decided on those questions; and most important, in my judgment, is the overcoming of the deadlocks in the grievance committee.

Mr. COHEN. Dr. Moskowitz, one more question. Do you remember that after the first year of experience with the protocol that there was friction over the workings of the machinery of the board of grievances?

Dr. MOSKOWITZ. I do.

Mr. COHEN. Now, you will remember also that rules were adopted under which the organization is now working.

Dr. MOSKOWITZ. I do.

Mr. COHEN. The board of grievances?

Dr. MOSKOWITZ. I do.

Mr. COHEN. Was it not the board of arbitration that discovered those rules and promulgated them for both parties?

Dr. MOSKOWITZ. It was the board.

Mr. COHEN. And after discussion?

Dr. MOSKOWITZ. After discussion.

Mr. COHEN. And after differences between both sides?

Dr. MOSKOWITZ. And after differences between both sides.

Mr. COHEN. And the rules were finally laid down by the board of arbitration?

Dr. MOSKOWITZ. The rules were finally laid down by the board of arbitration.

Mr. COHEN. Is there any reason that you know of to-day if the board of arbitration is trusted as an impartial body, why it can not mend or add to those rules so as to relieve friction?

Dr. MOSKOWITZ. There is no reason. I would like to add this, Madam President, to enlighten you upon that one subject, that after the protocol was signed both sides experienced great difficulty in enforcing this protocol, because the union said "We are not allowed to send a delegate to see whether this protocol is in force," and on that account the board of arbitration established this institution of the clerks; in other words, the institution of the clerks was established to facilitate the enforcement of the protocol, and if the board of arbitration had authority to establish the institution of the clerks, to facilitate the enforcement of the protocol, certainly the board of arbitration has authority to modify its present institution, if it is defective in any particular respect.

Mr. COHEN. One other thing—

The CHAIRMAN. Mr. Cohen, just one question only.

Mr. COHEN. Did Mr. Brandels say at the last session of the board substantially these words: "I think that on all the evidence that has reached us, and every indication that has reached us, there has been a very strong desire on the part of the manufacturers, and so far as we know extraordinarily successful, of making the members live up to the agreement. I recognize, everybody must recognize, the difficulty that there is on either side to educate members, and so far as I am concerned, while you gentlemen are impressed with the difficulties and defects of this machinery, naturally I am constantly amazed when I come back with what you gentlemen have complained about?"

Dr. MOSKOWITZ. He did say that, Madam President.

Mr. COHEN. That is all.

The CHAIRMAN. Thank you. Now Dr. Hourwich.

TESTIMONY OF DR. ISAAC A. HOURWICH—Recalled.

Mr. HOURWICH. Madam Chairman and gentlemen of the commission, when I hear my esteemed colleague, Mr. Cohen, talk of me, I am always reminded of Goethe's famous poem, "Relnecke, the Fox." Those who have read it will probably appreciate it. I am very proud of the description of my powers that have been given here by Mr. Cohen, and all I have to say is that this man is a prophet, and 50,000 people will take my word for it.

I never knew I was such a powerful man, and I certainly appreciate the compliment. I say, "Pleased be the memory of the late Sir Isaac Pitman, for having invented stenography." If it were not for him, I do not know where I would be here. Human memory is a very imperfect instrument, and sometimes stenographic minutes will not help, because it is possible to quote one page without quoting another page. Some Frenchmen said that the Germans are a very treacherous people, because they will tell you a long sentence, and at the very end they will put in the word "nicht"—not. So it upsets the meaning of the whole sentence.

Now, sometimes my friend forgets to put in that last word "nicht," and the result is that the meaning is entirely different from what it was intended to be.

Now, first of all, I want to say in regard to that personal matter, you have had before you my letter. I stated quite clearly that it was a simple, private talk, and no offer of any kind on the part of the manufacturers. That talk originated after it became known I was quitting the organization; consequently, there was no possibility of an inducement for me to go over to the other side, and to bribe me and take me away from the organization. I tendered my resignation five times. I finally said I would not stay with this organization, because I can not stay with those conditions, and when my term expired I would be free. I was impeached, and the charges were withdrawn, but the fact was this: It was then known that the question of my appointment or reelection was raised by the operators locally, that the minority was in favor of my return, but the majority of the joint board voted against me.

It was perfectly plain that I was not going to stay with the organization, and it was later on that the referendum vote was taken and the majority of the membership sustained the minority on the joint board. There was no imputation of anything dishonorable to the manufacturers' association in the first place, not even previous. A few manufacturers had said: "This lawyer is going to quit. He is a good lawyer. We can find some use for him. You must engage him," and there was just this general talk. That talk was distorted into the charge of bribery. I have never made that charge. I have repudiated that charge in public as efficiently as I could.

Now, I want to say something about that theatrical display that you had here to-day—about these eight boxes. If instead of these eight boxes, filling eight cases, you had 7,500 cases, you would have 7,500 boxes. There would be no room in this hall for them.

Now, it is not as bad as it is represented. Let us know what those eight cases were. They were not cases of grievances, over four buttons or eight buttons. The board of arbitration sat there over questions of legislation, every question affecting the entire industry. There was an immense amount of testimony over wages, over conditions of labor. Fifteen propositions had been before the conference of manufacturers and union men, and on those fifteen propositions some had been agreed upon, others were submitted to the board of arbitration for decision, and naturally there was a great deal of written evidence.

We did not want those 7,500 cases to come before the board of arbitration. We did not want them to arbitrate; but what we do want is those cases upon which a reasonable agreement can not be reached, and that ought to be perfectly plain.

It is not a question of 7,500 cases. According to what has been shown here there were only 179 cases, all told, in about three years. By the way, during my incumbency there were only 13, and those cases were not small cases, not trivial cases.

Let me tell you what those cases were. Mr. Cohen read to you page 320, but let me tell you something about page 331, which he has not read and which will be very interesting. Pages 330 and 331 are as follows:

"Chairman BRANDEIS. Is there any case on which the board deadlocked on a question of fact?

"Mr. COHEN. I know of none.

"Chairman BRANDEIS. Well?

"Mr. ANDERSON. No, sir.

"Dr. HOURWICH. I guess questions of fact and law—

"Mr. COHEN (Interposing). Polley—the deadlock; not just on the question of fact, but it appears from the record that they deadlocked upon the consideration, upon the law.

"Dr. HOURWICH. Well, upon the construction of the fact in the light of the law."

"Mr. COHEN. Yes.

"Mr. BRANDEIS. And that question—did it involve both law and fact?

"Mr. COHEN. Yes.

"Dr. HOURWICH. Yes.

"Chairman BRANDEIS. But the point that created the deadlock was the existence of the legal principle or a policy?

"Dr. HOURWICH. Yes."

Now, that was on page 331. Now let me tell you what Mr. Cohen said in regard to that on page 316.

"Dr. Hourwich and I are in accord. The highest tribunal, as speedily as possible, is the only remedy for serious conditions of things concerning the interpretation of the protocol and the rights and obligations of the parties. And the clerks can not agree; they must not agree. It is their business to fight [that is, Mr. Cohen], my business to fight. It is Mr. London's business to fight. It is Dr. Hourwich's business to fight on those fundamental things that they believe in. They can only submit for the final interpretation to the tribunal that is created for that purpose."

It is my business to fight, according to Mr. Cohen, for principles, and that is the only thing that I have fought for.

Madam Chairman and gentlemen of the commission, when I used that metaphor I think I made a mistake, because when people begin to misinterpret metaphors we get anywhere. What I meant, I think, was perfectly clear. We have two distinct classes of cases: Cases over controversies, over four or eight buttons, and cases involving principles.

That work was divided, conciliation was assigned to my assistant—that is, Mr. Wishnak—who argued the question here; and cases where conciliation had failed were assigned to me. I was really only the clerk in name; in fact, I was counsel for the union, and I have been instructed by the joint board to appoint another assistant, who will do the work that Mr. Wishnak had been doing before his resignation. I proposed to do that; if I have not done it, it is because we are in this state of turmoil. I do not propose to do next year anything that I have not done before, and consequently all these oratorical effects about the ball in the china shop are absolutely irrelevant. I am not going to a china shop where conciliation is hidden so you can not see it; that will be done by somebody else. What I shall do is that which I have been doing heretofore. I shall appear in those cases where, according to Mr. Cohen, it is my duty to fight, where it wants me to fight, and that is all there is to it.

Let us come now to this question about what the board of arbitration has decided to do. It has been said here that the matter was submitted to the board of arbitration.

Now, blessed be the memory of Sir Isaac Pitman, I say again. Human memory is a very bad instrument. Once Prof. Munsterberg, of Harvard, made an experiment. He read a story to his school in psychology, and asked them if they would write it down after he read it; and he received 20 different statements on a very simple fact, and there was no controversy involved there.

Here we have heard from Mr. Cohen and Dr. Moskowitz, who is a friend of mine, that the matter has been submitted to the board of arbitration. It has not; and the record will presently bear me out. Let me tell you the whole history of it.

We were discussing that proposition 15 before the conference; that was the proposition of the impartial chairman. We could not agree upon it. Finally, after some discussion, Mr. Cohen, Mr. London, and myself had lunch together, and we conciliated. We devised a scheme. He said that his constituents would not stand for any reformation of the board of grievances, but what they would do would be to have a sufficient number of substitutes for the principal arbitrators. Upon this plan we agreed. Then we came again before the conference, and there the question arose: "How many substitutes should we have?" They wanted only one substitute. I said, "One would not do," because that would leave us without a substitute for our principal arbitrator; and what I said is on record, Mr. Hillquit. We have already one substitute, Dr. Weyl; and if Dr. Weyl is unable to be present there would be nobody. So, finally, it was agreed that there should be two substitutes for each arbitrator. That was the plan upon which Dr. Cohen and I agreed.

Then we came before the full conference, and the manufacturers said that this arrangement ought to be reported for the information of the board of arbitration, simply as a matter of courtesy to them, and we did so.

What happened? Mr. Brandels and the other arbitrators became displeased with that scheme. Have you ever heard of arbitrators interfering when the parties have agreed? It is the duty of arbitrators to arbitrate disputes; it is not their duty to create disputes; and that is what Mr. Brandels has done, and I charge him right here with it.

When we presented a scheme that was satisfactory to us he began to find fault with it. It was not his business to do it, and I told him that right there, and that the function of the board of arbitration was to pass upon the questions that had been submitted, and that question has not been submitted.

What was the result? He said he would take it under advisement; and he kept it over two months; and then, meanwhile, somehow or other an impression was formed by my former associate, Mr. London, that Mr. Brandels and the board were favorable to a scheme of an impartial chairman; and he came before the board of arbitration, and he said he preferred that scheme of the impartial chairman. The result was that Mr. Cohen was released under the obligation—under the arrangement we made. If we repudiate an agreement in which we have entered, naturally the other side is free from obligation; and he said that he did not believe in that scheme at all, and that he yielded only because I had made a statement there that I had a technical right to invoke the governor in case we can not get our arbitrators to attend to our business, and he personally did not believe in it, and the whole scheme fell through.

Therefore, I said to the board of arbitration on this issue, this question 15, upon which we were debating before the conference, this has not been agreed upon, and therefore we now submit it; and what did Mr. Brandels say? I will read to you what he said.

Mr. Brandels says as follows, on pages 388 and 389 of the minutes:

"We therefore suggest that, so far as the proposition of amending the machinery of the protocol is concerned, with a view of securing some better method of adjudicating the difficulty which seems to require urgent treatment, that that matter be referred back to the board of grievances for consideration, or through the board of grievances to the conference, if it still exists, however those interested may think the best way of treating the matter. If after that has been done, and after the matter has been fully considered by the board—that means the board of grievances, or possibly the board of arbitration—you believe that we can be of any assistance in considering your conclusions, we shall, of course, be very glad to take the matter up with you later."

I was not born in this country, but I have lived here more than 23 years, and I think I understand English a little bit. If that means anything, it means that the matter has got to go back to the board of grievances or to the conference; in other words, the five weeks that we have been arguing in conference are not enough for Mr. Brandels; he wants us to waste time again in useless argumentation, then come to him again and submit that matter. He does not regard the matter that has been submitted to him, and there is not the slightest indication that the board was going to take up this matter. If it has, it is news to me. I heard of it the first time this morning. The matter has not been submitted, and, as a matter of fact, our only attempt at conciliation was thwarted by Mr. Brandels. I do not make any charge of lack of integrity against Mr. Brandels. I never did. The record will bear me out. What I say is that Mr. Brandels has not performed his duty, because he can not admit that he performed his duty, which is among these things he interrupted. He has not performed the duty for which we asked him, but, at the same time, he has assumed authority to overrule an agreement reached between the parties, and that is not the province of the arbitrator.

Mr. Bisno is a friend of mine; I regret, instead of confining his testimony to that which he knew of his own knowledge, he went into the question of arbitration. He was never present at a single session of the board of arbitration. All sessions of the board of arbitration, with the exception of one which took place in 1911, occurred before his coming, or were held in 1913, after he had left. He has not read all those voluminous packets of testimony. He knows of Mr. Brandels from social intercourse, and I am willing to bear testimony that Mr. Brandels is a very pleasant gentleman in social intercourse, but his understanding of his duties of arbitrator are such that I believe he has mistaken his part for the part of a legislator instead of the part of an arbitrator.

This question of the guaranty has been spoken of so much here. That has done mischief. Mr. Brandels evidently believes, and probably Mr. Cohen believes, and possibly a good many others believe, that the present government of a labor organization is a government by a few untrained leaders, who will

educate the masses. That idea of benevolent absolutism is more than 100 years old. It is too old. Our present labor unions must be built upon the principle of democracy. I am not the dictator of the union. I am the man chosen by the union to represent it. If the union, as Mr. Cohen thinks, consists of irresponsible individuals, in that case the protocol could not maintain it, because the leaders of the union have no other power than that which they derive from the membership. If the membership are unreliable they will upset any group of leaders in time, and what they have is not a guaranty.

There is going to be a regular convention next May, I think, of the international, and there is a possibility of these leaders who are so favored by Mr. Cohen being defeated for the election, and what is he going to do? Is he going, then, to terminate the protocol whenever an election within the union does not go to his taste? A relation between two organizations of labor unions and a manufacturing association can be maintained only upon the basis of recognition of the rights of self-government in each organization.

Mr. Cohen is a very effective speaker, and he has defended the rights of his organization splendidly. He has made a very good showing here. He has influenced the New York press very effectively. I give him credit for all that, and that is the reason—the next thing I am going to the joint board—I am going to put up a demand that we do not want to deal with Mr. Cohen as a representative of the association. We insist that they shall appoint a lawyer for the association, and when they appoint him I assure you that I will be able to get along with him a great deal better than I do with Mr. Cohen.

Mr. COHEN. How about that lunch?

Dr. HOURWICH. That is all right. What I will say is this, I am willing to take lunch with you now, if you will treat me to one.

Mr. COHEN. You are too much of a secretary of war to take lunch.

Dr. HOURWICH. Now, what I wanted to say is this: It is, I think, a position that has been taken by every independent nation, and I simply follow the precedent established by my illustrious friend, Mr. Cohen, in comparing the cloak makers to another group—we always speak in terms of diplomacy—the United States has made a number of arbitration treaties with foreign nations. Every arbitration treaty has a provision that questions of sovereignty can not be arbitrated. This question whether a lunatic ought to be the counsel for the union is a question which 50,000 lunatics belonging to the union are the only ones competent to pass upon. Outsiders can not interfere, and when a demand is made to this organization that I shall be removed it is a demand absolutely beyond the scope of the protocol. It is a demand which can not be arbitrated, and if this board of arbitration has called a session to consider the question whether I am the counsel that is to be cut out it will be my duty, on behalf of my constituents, to tell the board of arbitration that they have no jurisdiction to perform this surgical operation and that this question can not be considered. He said that I have refused to accept the decision of the board of arbitrators. I am aware of that. What I have done is this: I have criticized the board of arbitration. Very well. People in this country have a right to criticize the United States Supreme Court. The protocol, to my knowledge, has not abolished the Constitution of the United States and the constitution of the State of New York. It has been made subject to them, and it is the right of every American citizen to express his opinion. When the court will give me an order to do a certain thing I will do it, but then I will come out in the public print and I will say that the decision of the United States Supreme Court upon this question is unsound. I have a right to do that, and that is the only thing I have done, and I again say there has been an attack upon the freedom of all the press for a year and a half.

As you have heard from Mr. Cohen, and ultimately the board of arbitration came out and sustained that attack upon our press. Mr. Brandeis has expressed the opinion that the most innocent articles—I have them here on record, and I will send a translation to your board—that the most innocent article which could have passed muster in Russia—that that most innocent article was overstepping the limits, because although he did not say anything against the protocol, people after reading it might infer from it that it might not be a bad idea to terminate the protocol.

So it was then said that we must not even intimate that there is a possibility of terminating the protocol. The protocol is not made for all time. If it does not suit us, we can terminate it. The manufacturers' association has threatened to terminate the protocol, because they do not like me. Have we no right to discuss this matter? How can we conduct an organization of 50,000

men and women upon democratic principles unless we report to our membership what is going on, and if we are to be muzzled, the fundamental principle of the Constitution of the United States has been violated? I will say, quoting a sentence from Zangwill's Melting Pot, I say to the board, "Gentlemen, you have spoiled my America for me."

I may have all the respect for the gentlemen in their individual capacity, but when those gentlemen come and intringe upon our rights openly, upon our fundamental rights, which are not abridged by the protocol, when they want to make laws about the scope of the protocol, I say I will not, if I can help it, allow Mr. Brandels to become the John Marshall of this protocol, without criticizing him for it.

I had a number of individual cases, but it will be impossible for me to go into all those cases. The time has been limited. I have been switched off, and I will not go into them. I will only say as far as the possibility of a trade court is concerned, I do not share the dire apprehensions of my colleagues.

You have heard that there has been a great deal of experience in these matters; the trouble is that Mr. Cohen can not separate in his mind the idea of a court from the idea of a cobweb of old-fashioned technicalities which impede the administration of justice in our courts. Let me tell you, I have been a member of the bar in two countries. I have practiced under the French system of procedure. I have practiced in the courts of justice of the peace where they first begin with conciliation; that is the beginning of the procedure. If conciliation fails, then only does the justice of the peace administer justice in the ordinary sense. In other words, then he becomes the impartial chairman between the two parties whom he could not conciliate.

I have practiced law under that system.

Under the French Code they have no technical objections, "I object—I take exception—this is incompetent, irrelevant, and immaterial." All that thing is swept away. The court takes in all the testimony, and then the court sifts that testimony, and then decides upon the merits of the case, taking in all the testimony, regardless whether I am giving you direct information or hearsay evidence. A trade court could also proceed in the very same manner. There is no need for raising all of these entanglements by lawyers, and let me tell you—I wanted to read it to you, but I can not, because the time is too limited. I remember a case, which was subsequently settled. In Phonsou's case all I wanted was that my assistant, who investigated the matter, should be allowed to come in and testify what he had seen in that case. I was not present. I had not been present on the case. I do not know whether it was operating work, or tailoring work. I am not a tailor, and did not know the difference, and so I asked to allow him to make the statement that would take five minutes, and we wrangled over it from page 12 to page 49 of the minutes, and my remarks are on pages 12, 13, 20, 31, 32, 34, 36, 48, and 49. Mr. Silberman was present there, and let me tell you that the most unexpected technical objections were raised. I would put leading questions to him. Have you ever heard of an associate counsel being put leading questions to? That was when I wanted him to make a statement. It was all unofficial. We have plenty of technicalities in our board of grievances, and I can not improve upon that, and no lawyer could improve upon those technicalities.

Now, there is a statement that we have been guilty of nonperformance of obligations. I do not know of any such case where we have not performed our obligations. I would like the specific cases to be filed with this commission, and I will answer them, if I have a copy of those charges.

As a matter of fact, throughout this whole period I was brought under charges, natural ones, and let me tell you what those charges were. The association, as you know, was censured, when I first came in, so that after all it would be fit for fit, one guilt on one side and another guilt on the other side, and let me tell you I said to the board of arbitration that they had no right to pass upon our articles. Our press is not regulated by the protocol. The protocol regulates hours of work, sanitary conditions in the factory, and other things, but not our press.

The manufacturers' association has no right to tell us what we are going to write, and what we shall write in a paper, and the board of arbitration has no right to pass, no jurisdiction to pass, upon any questions that are not in the protocol, because the board of arbitration is a board created within the protocol, and if this board has gone out of its way and has passed upon it, and expressed an opinion, it has committed an act of usurpation, and I charge that against this board of arbitration, and that is why I say as individuals they enjoy my

full respect, but as a board of arbitration they have usurped powers that do not belong to them.

That question of the guaranty. First, Mr. Brandeis comes and says that they are a sort of guarantors, because they signed the protocol. Well, we do not quarrel about it, it is not worth while. Then he comes and he says, being guarantors, they are a sort of partners to the agreement, although from a legal point of view, the legal relation may be different. Now, Mr. Brandeis is an eminent lawyer. He knows that a guarantor is not a partner. Anybody understands that. Mr. Brandeis can not make law. Mr. Brandeis can not upset the law that has been made for centuries, and tell us that if I guarantee that you will pay your rent, therefore I am a partner to the lease. It is an absurdity, even if Mr. Brandeis says so, but it has worked mischief, because it has given the international officers an idea that they could come in and boss this job.

Mr. Brandeis knew that Mr. John Dyche had been clerk, and was forced to resign, or resign himself. Anyway, as Mr. Cohen put it, it was so. What did Mr. Brandeis do? He forced Mr. Dyche upon the union which did not want him. That is usurpation, and I charge him that; and that is why I say I have lost confidence in the ability of Mr. Brandeis to be an arbitrator, just as much as he may have lost his confidence in my ability to be counsel for the union.

It is nothing discreditable to him as a gentleman.

Now, there has been a great deal said here about my sanctioning picketing. Now, that is something I will have to read.

Here is the correspondence [indicating same]. I will first preface it by an explanation. Under the protocol we have no right to strike. There is a provision in the rules, made by the board of grievances, that whenever there is a strike, it is the duty of the clerk for the association to call upon the clerk for the union to send the people back to work. Then, of course, he sends them back to work and then the whole matter is thrashed out by the board of grievances. It is very plain. But Dr. Abelson, in the case of Jaffe & Katz, took the position that they had the privilege—the option, as he put it—that he had the option to either call upon—that is the way he put it—that the firm has the right of exercising and, above all, of insisting through the associations that the people be put back to work, or discharging the men."

Now, that is the whole contention. That is in a letter dated April 15, 1913. That contention is absolutely contrary to the protocol. It means in other words that in case there is a stoppage of work, instead of conciliating, the manufacturer has the right to respond by a lockout. That is the whole substance of it, and I will submit what the definition of a lockout made by the United States Bureau of Labor in its four reports is, and that definition will sustain me. I have always contended that they had the right to do so. Mr. Abelson contended that they had a right to do so. What happened then was this: That in the case where they had responded by a lockout to a strike, the men went out picketing in response to that lockout, and immediately a complaint was lodged that they were picketing. Now, that is answered in a letter dated April 26, 1913, addressed to Mr. Rosenfeld, chairman, and so forth:

"Replying to your letter of the 25th instant in relation to the dispute in the cloth operating department of Jaffe & Katz, I have to say that you are evidently misinformed.

"There is no strike in any of the departments of Jaffe & Katz, but there is a lockout of the employees of that department by order of your association.

"That there is no strike in that factory is clear from the fact that all those employees who have not been locked out by the firm are at work.

* * * * *

"If any member of our organization, or any person acting under the instructions of a member of our organization, has threatened to commit violence against any individuals who have taken the places of the locked-out employees of Jaffe & Katz, our grievance committee will, upon proper complaint, promptly discipline the offender.

"We can take no action, however, upon vague allegations such as are contained in your letter.

"No one can question, however, our right to advise our members that the ethics of trade-unionism condemn a worker who fills the place of an employee locked out by a firm in the course of an industrial dispute.

"Your call upon us 'to take strong measures to prevent the former employees of Jaffe & Katz from picketing' after your association has, in open violation of the protocol, ordered a lockout of the same employees, comes as a

surprise to us. It is a fundamental principle of equity jurisprudence that 'he who seeks equity must do equity.' We would be perfectly within our rights if, in response to the lockout authorized by you, we would have stationed pickets in front of the factory of Jaffe & Katz. But it is not our policy to take the law into our own hands, and we have therefore authorized no picketing in this case, leaving the redress of our grievances against the firm of Jaffe & Katz to the board of arbitration.

"The officers of the union, however, have no greater powers than the police to restrain the use of the public highways, or the exercise by a citizen of the freedom of speech guaranteed by the Constitution of the United States and the State of New York. Any individual in this State has a right to stand on the sidewalk whenever he chooses, and has likewise a right to speak to any person who desires to listen to him. Any discharged employee may stand on the sidewalk and relate to the passers-by his grievances against his employer. This is called 'picketing' and it has been recognized by the court of appeals of this State as perfectly legal. It would be against public policy on our part to attempt to abridge the rights of the workers recognized by the courts after a long contest."

Now, if you will realize the situation, I told the men I should not picket when I received that complaint, but at the same time I said they had committed no offense. I told them not to, because it was not our policy to, but we were charged with countenancing picketing, and I said they had no charge in law, because they had made a lockout.

That was still a worse case, and that was the case of Levay & Friedberg. In that case, the men struck, and the firm immediately proceeded to engage other people. I shall conclude within the allotted time. They secured the services, or they thought they had secured the services, of the former employees of theirs, but one of the employees immediately went to the office of the union and asked, "Boys, what is the trouble," and they were told the trouble. So, as he was a friend of the firm, he went back and said to them, "What is the use of fighting with your men, I can get you all of them back. They are a good lot." So Mr. Levay said, "I would like to do that but I can not do it without the permission of Dr. Abelson;" so he said, "Let us go to Dr. Abelson." Then they went to Dr. Abelson and he said, "Now, you must not do it," and the result was that, of course, the strike was not settled. He is a peace officer. His business is conciliation in industrial disputes, is it not? But he did not do it. The result was that there were pickets stationed, and he came with his cutters' union, and that cutters' union is on friendly with the association, and Mr. Martin, who testified here yesterday that he is perfectly pleased with the protocol, went with Dr. Abelson. "Why, the union is going to uphold that strike. They are all friends of the protocol when the shoe pinches on somebody else's foot but they are willing to go out on strike in spite of their convention in the protocol when the shoe pinches on their own foot."

Now, then, you see a complaint was lodged, that is, that there was picketing. Now, I will read the letter from the chairman of the executive committee:

"SEPTEMBER 23, 1913.

"THE JOINT BOARD OF THE COAT AND SKIRT MAKERS' UNION,

"19 East Nineteenth Street, New York City.

"GENTLEMEN: My attention has just been called to the situation in the shop of Levay & Friedberg, 40-46 West Twenty-fifth Street. In that shop the cutters failed to attend work on the morning of September 18. Thereupon, the firm, exercising its right, engaged 14 new cutters. The 14 new cutters employed came to work Monday morning, but at noon, without giving any explanation, 12 of them left. It then appeared that the former employees were picketing the shop and were informing the new cutters that there was a strike in the shop. Upon inquiry at the office of the cutters' union, the manager of our labor department was informed that the cutters' union would give moral support to the men on strike.

"As this is a very distinct and aggravating violation of the protocol, I must call upon you for immediate action and direction that picketing be stopped, that an official communication be sent to the cutters' union that the conduct of its officers at its office is a violation of the protocol, and that publication be made in the newspapers (in accordance with previous precedents) that there is no strike in this factory."

To this I replied as follows:

" SEPTEMBER 25, 1913.

" Mr. L. E. ROSENFELD & Co.

" DEAR SIR: Your letter of the 23d instant, in relation to the difficulty in the shop of Levy & Friedberg came to this office during my absence from the city, hence the delay in answering the same.

" I have made inquiries at the office of the cutters' union and I find that no official action authorizing a strike in the shops of Levy & Friedberg has ever been taken by the duly authorized representatives of the union. Any statement to the contrary which may have been made in the heat of an argument by some employee of the union merely expressed his own individual opinion.

" We fully agree with you that the firm has a perfect right to engage new cutters in the places of those who have quit work, and if any of our members should make inquiries at this office, we shall advise them that there is no strike in the shop of Levy & Friedberg.

" I must reiterate, however, the view expressed by me in our correspondence in relation to the Jaffe & Katz case some time ago, viz: That our organization has no authority to curtail the right of its members as citizens to use the public highways, or their exercise of the right of free speech in telling their troubles to passers-by who are willing to listen to them.

" On the other hand, I am advised that the firm and the cutters who have quit work could easily adjust their difficulty, if it were not for the fact (as alleged) that the manager of your labor department has warned the firm not to treat with their employees. I am confident that this allegation has no foundation in fact, inasmuch as such a stand would be incompatible with the office of a mediator in industrial disputes whose primary duty is to seek conciliation between the parties."

And since that I have alleged a complaint against the board of grievance, against the clerk.

Now, let me explain the position I took before the board of arbitration. I decided a point which I recognize in the light of the decision, was wrong. I conceded the point that the manufacturers' association has a right to discharge men when they go out on strike. That was inconsistent on my part. They have no right to discharge. If they came to us there would have been no picketing. But I considered the unsound theory advanced by Dr. Ahlson and the officers of the association, namely, that the employer under the protocol has the option, either to call upon the union officers under the protocol, or to go in a private way, and I said if there is a private way, we have no official notice of it, and you did not complain. You have locked them out contrary to law, and then they picket contrary to law. In other words, no one can invoke the law who does not uphold the law himself.

Since that time Mr. Brandeis has held that picketing is not permissible. I told him that I conceded that he was right and picketing is not permissible under the protocol, because lockouts, in response in strikes, are not permissible under the protocol; and in that feature if I, as counsel for the union, will ever be informed that such a condition exists, I will insist upon the reinstatement of all the men who have been locked out lawfully, and I will bring the matter before the board of arbitration. I leave it to this board of arbitration that it will pass impartial judgment upon it.

There are a great many other things that I wanted to say, but I have not time to answer everything.

I will only say that that reference of mine that Mr. Winslow should be recommended to this commission was simply a polite way to get Mr. Winslow out of the way when Mr. Brandeis proposed that we should have him.

I said it would be the right thing for the Commission of Industrial Relations to engage him to make that investigation, because I was confident that the Commission of Industrial Relations would not engage Mr. Winslow as its chief statistician. I was confident if he went to work for the commission he would work under good guidance, and then, of course, the position he held in the Bureau of Labor would be satisfactory, and not as a man who should direct our investigations.

Why, under his direction a statistical table was presented to us in regard to the wages of finishers. We have asked for an increase of wages of finishers and it was necessary to know what they were earning. They are the men finishers only. They presented to us a table in which men and women finishers were put into one group, and they gave us those average wages. We were compelled to withdraw that table of Mr. Winslow's, because anybody under-

stands that women's wages are not the same as men's wages. Shall I be expected to rely upon the statistics that are produced without seeing how they are being produced?

We were told that only one-fourth of 1 per cent of the payments were under the scale according to their investigations. I want to know how that figure has been arrived at, and let me tell you, by the way, you know statistics are a very dry subject, but statistical figures are sometimes very living subjects. Only one-fourth of 1 per cent from the 20,000 workers—one-fourth means 502 workers, and means 50 families—and if they do not get what they were entitled to, that means that 50 children went without shoes. That is what statistics means.

In conclusion, I want to say this: I have been elected by the membership after a very bitter contest, in which everybody, the international officers included, had every opportunity, and availed themselves of every opportunity, to speak and to write against me and to say those very things that have been said here against me, and worse.

After listening to all that, after reading all that, without my having any opportunity to reply—because some of the charges were made on the eve of election and I had no chance to reply—after hearing all of that an overwhelming majority of those members who cared to vote, about 77 per cent of the members voted for me. I mean 77 per cent of those voted for and 23 per cent voted against me.

I have been elected by a vote of the membership. If we live in a democratic country the will of the people, after it has been spoken, is the law.

If our union is a self-governing body, the international officers were within their rights in objecting to me before I was elected.

After I had been elected this whole agitation against me is to unsettle me—this attack to interest public opinion, this writing of letters to manufacturers suggesting arbitration, knowing that we have no right to submit this question to arbitration—all this is what? It is defying the will of the membership.

Officers have no right to defy the will of the membership. I may be the worst man in the world, but I have been elected, and I have said to the membership in a public statement, "Friends, you have elected me; you possibly do not know the consequences that may result from election. You do not anticipate that it may lead you into a conflict of opinion with the manufacturers' association. A good many of you did not know that your bread and butter were involved, and therefore you voted for me. Think it over again. Go over to your regulation section meetings and discuss it, and if you find you have made a mistake in abstaining from voting against me, or voting in my favor, demand my recall," and if the membership will demand my recall, and if they will recall me, I tell you, Madam Chairman and gentlemen of the commission, I will feel that I have been relieved of a position, of a job, that is certainly not a very easy job, and not a sinecure. I thank you.

The CHAIRMAN. Dr. Hourwich, I would like to ask you a question. From what you have said to us to-day and to the commission, do they gather that it is more a question of personalities than machinery that is the matter with the protocol?

Dr. HOURWICH. No; I would say it is a question of machinery. The imperfection of the machinery has brought about these personalities. If we had paid arbitrators, who would be on the job whenever they were wanted, there would be no occasion for me to criticize the arbitrators for not coming.

The CHAIRMAN. When you said to-day that Mr. Brandels socially was very agreeable, and so forth—do you mean by that that he is impossible to work with?

Dr. HOURWICH. No; I do not mean that. What I mean is—

The CHAIRMAN. Can you work with him?

Dr. HOURWICH. I have to.

The CHAIRMAN. Can you work with him?

Dr. HOURWICH. I would say this, that I will certainly take exception to Mr. Brandels assuming legislative powers, powers that have not been delegated to him; and also to Mr. Brandels imposing a censorship upon our members, and to Mr. Brandels saying that while the protocol gives us the power to demand arbitration in every individual dispute, we shall not have it, until he has studied the statistics. The statistics ought to have been studied when the protocol was made. The protocol gives us that right, and we demand it, statistics or no statistics. When Mr. Brandels disregards entirely the provision of the protocol, and sets himself up as an autocrat over the protocol, I say nobody has elected him autocrat of this union, and if I have anything to say, he will

either not be an autocrat of the union or the chosen representative of both sides on the board of arbitration.

The CHAIRMAN. Have you gotten on well with the joint board?

Mr. HOURWICH. Well, I do not get on with the joint board, for the very simple reason there was a majority and a minority. The majority of the joint board was a failure to me. I think the majority is now with me. Those things happen in politics sometimes; sometimes the mayor disagrees with the majority of the board of aldermen.

Commissioner BALLARD. Doctor, what positions do you hold? I understood you were the clerk?

Dr. HOURWICH. Well, nominally I am the clerk. It was never intended that I should be the clerk in fact. I can not do the work of three men. It is enough for me to do the work of two men, Mr. Ballard. What I am going to do when this matter is settled, is this: I am going to appoint some one as my chief assistant who is going to do the work of the clerk. I will confine myself to the duties of counsel. That is what I have always done. That is what I am going to do in the future, although my nominal title may be clerk.

The CHAIRMAN. One more question. Have any of the joint board resigned?

Dr. HOURWICH. No; the joint board was to be elected, and was reelected.

The CHAIRMAN. None of them have resigned?

Dr. HOURWICH. No; the joint board did not have to resign, because an election took place in the latter part of December, a couple of weeks after my election, and the new joint board is acting in unison with me.

Commissioner BALLARD. Doctor, do you remember the case that Mr. Bisno spoke of?

Dr. HOURWICH. That was not during my incumbency; it was before me.

The CHAIRMAN. Does any one on the floor care to ask any question of the doctor?

Mr. COHEN. I would like Dr. Abelson to state the facts with reference to the case.

Commissioner LENNON. That is almost impossible.

The CHAIRMAN. We have 15 minutes, and we would like to call some one else before we adjourn.

Mr. COHEN. I am at the disposal of the commission, but I do want to call the commission's attention to the fact—

Commissioner LENNON. Can Mr. Abelson state what he has to say in 10 minutes?

The CHAIRMAN. We will listen to Mr. Abelson for 10 minutes.

TESTIMONY OF MR. PAUL ABELSON—Recalled.

The CHAIRMAN. We can not give you more than 10 minutes. It is 2 o'clock now.

Mr. ABELSON. I would like to present to the chairman and the gentlemen of the board some of the facts that Dr. Hourwich has touched upon.

The CHAIRMAN. Would you state first what your position is in relation to the protocol?

Mr. ABELSON. I am the clerk to the board of grievances for the manufacturers. You have heard Dr. Hourwich say yesterday, as I said, and I think I can explain from the very beginning all of the relations I have had with Dr. Hourwich. The first case I had with Dr. Hourwich was that case, the Goldfield & Lachman case. I went with him and gave him everything he wanted. He wrote out the propositions, which one of his assistants, as an expert, had suggested, and that agreement was made out, and Dr. Hourwich went to Washington, and the general proposition that was involved in that was left for conference, and consequently went to the board of arbitration, but all of that particular issue I conceded to him—that is, I gave in.

The next issue we had was a question of working overtime. The protocol says that no overtime shall be allowed after certain times. The union has been in the habit on a number of occasions of issuing rules in the official organ of the New Post which were in contravention of the protocol, because it has not been brought out here that there are some 20,000 workers who are not under the protocol, and under the claim that those notices are given to the other people they have not made any distinction, and the union has theoretically never conceded that there was any distinction between protocol and nonprotocol shops, so the order was issued.

For instance, we have such an order to-day in the New Post, the official organ, which was published yesterday, which states in the advertisements of Local 1

that for certain offenses that any man working with a nonunion man will be fined \$25. There is no definition whether it is protocol or nonprotocol.

This very matter was called to the board of arbitration, and the people shook their heads, but the notice is in to-day's paper. Such a notice was given out that they shall not work overtime during certain times. I wrote it in very, very simple language, and called their attention to a certain shop where they were working overtime.

In answer to that we received a very interesting disquisition on the interpretation of the protocol, in which it says: "No overtime shall be permitted except at certain times." The argument was that it did not mean that it was obligatory, and the reasoning, which I characterized yesterday as the syndicalist point of view, is expressed in a letter signed I. A. Hourwich, in which he says: "What one individual may lawfully do, a number of individuals may likewise lawfully agree to do." It would therefore be perfectly logical for the workers at a given shop to agree to this fact.

Now, the answer that was given to this incident outside of this general proposition was that we should interpret the protocol in a common-sense way. The protocol says there shall be no work done on a certain day, such as on holidays. If Dr. Hourwich's reasoning were correct, when men were found working in a shop on a holiday the boss could not say, "I did not send for them." As a matter of fact, the rules of the board of grievances have interpreted that the very persons in that shop were there by the permission of the boss; in other words, we interpret the terms of the protocol in a common-sense way.

Now, there was a conference on that subject, but this was the decision arrived at.

The next issue we had was a question of tearing tickets. There is a pressing department where they work by the week. Those pressers are the least skilled in the industry in the sense of the time that it takes them to learn. I think it was brought out in the discussion that they are the strong men, and there has been at least a complaint that they are apt to curtail the output of the product. Also there ought to be a method of finding out who made the particular garment; if a presser burns out a garment, you need to know who did it; so they have in the shops tickets which indicate this, so that the garment can be identified. Now, the union had a difficulty about that. They said, "If you tear tickets, it means you count the garments, and introduce the sweating system." That is what they did not want. My position was that they should go by the common-sense proposition that if a man was discharged because the boss told him he did not turn out enough work it became a subject for investigation as to whether he made one-third less than he ought to or not.

The union agreed, and did not agree until the very board of arbitration in another industry rendered a decision. They said that an employer has an absolute right to keep a record of the work. So on that basis cases were signed up that the men where they refused to tear tickets were ordered to do so.

The cases 997 and 7669 were adjusted, and the men were tearing tickets.

Now, there is an interesting side light. These cases are marked "adjusted," but they ought to be signed in favor of the association, but as a matter of common sense we say an agreement was reached.

When we sent that to Dr. Hourwich he wrote a letter. He said that tearing tickets was doing clerical work, and the pressers were not obliged to do that. Here is the letter:

"FEBRUARY 18.

"Replying to your letter of the 17th in relation to instructions given to our downtown office for the pressers of a certain firm, the tearing of tickets, on the other hand, is work of a purely clerical nature, intended for the purpose of keeping records of the work performed. As the joint board views it, such duties should be performed by the clerical force of the factory; we therefore believe that we are entirely within our rights in insisting that the pressers shall not perform any other work than pressing."

Now, I took the trouble to go down to a factory, and here is one set of cutters' tickets and here is another [indicating].

Have you ever heard a cutter say that this is clerical work, because it is part of his work to keep records?

The Secretary of War took this up and I only had an undersecretary, because the Secretary of State had no power in the last analysis, as you know—it stands to reason.

Now, the reference was made to the Samuelson case, and that is the most important of all. I stated to you yesterday that the great difficulty of this situation is teaching both sides the collective principle. After Dr. Hourwich

was installed in office, and after that guaranty of the International was given—by the way, a mistake was made here which nobody called attention to—the guaranty was put first before the criticism, and what really happened was the manufacturer said, "We can not do business with irresponsible people," and the board said the International people are responsible, and then Mr. London said, "You ought to criticize the stopping of work."

Now, that is a wonderful thing, to put the second thing first and create a wonderful impression. This is by way of introduction of what happened there. I think whenever you have a period of turmoil and unrest it affects business and the syndicalist spirit manifests itself.

Now, it expresses itself in the reaction of cutting down in the sense of responsibility. The joint board controls eight locals. When there is unrest the locals control the joint board. I have a newspaper here which said the people will go out—that is, at the time I had the famous dinner at the Cafe Boulevard, and three stoppages of work occurred that were instituted by the locals. I have here the paper and I have brought a copy of the New Post, because Dr. Hourwich wants to be shown.

What happened was this: In a certain shop the operators and the tailors made up their minds they were going out in the height of the season; that they were going to leave as individuals. That theory was expounded at the time of the overtime dispute. "And, of course, they have a right; they can not be slaves," and the New Post says—

Mr. COHEN. Your time is going.

The CHAIRMAN. You have only one more minute.

Mr. ABELSON. This is very important—the people left; in another shop they left; in the third shop the issue there was whether the joint board shall control these locals and the irresponsible people, or whether the locals shall dominate.

Dr. Hourwich came into that issue. There were three shops, and, of course, we got on the job. One shop we held out for four days. Of course, in such a case the manufacturer was anxious to have the thing settled and he would give in, but if he gave in in the height of the season every shop would know, because what happens? In one shop they know all over. So I had to be on the job and keep tab on it. You see, the principle of the protocol was involved in it when people go out in the height of the season, contrary to the union advice, because they will do it everywhere else.

I wrote in the letter to Jacob Samuelson's shop, and the people were warned: "If you go out, you will lose your jobs," and Mr. Wisnack asked me to go up there. The day before I went up there, there was one of those situations when there was nothing to do; it was one of those complaints that you could not do anything for, and I said to the manufacturer, "You know those people threatened to go out, and they will go out," and he says, "If they go out, I can not help it," and I said, "You understand that none of them can come back for the season." He says, "I understand that; I will take my medicine," and they went out.

A few days later they changed their minds and wanted to come back.

Now, while I was on this post of duty, in the other shop where this stoppage was occurring there the union could not take them back for four days, and Dr. Hourwich said he wanted to talk over with me the Jacob Samuelson matter, and I was in a quandary. What should I do? I suspect that this was a proposition that was put up by the other side, by the joint board, and that they wanted Dr. Hourwich to do this, and I said to myself, "I do not see what I can do."

I expressed my opinion that I thought the principle of both organizations was at stake, and I said, "The men are picketing," and I have seen them there, and if they will not picket I promise I will put the matter up to Mr. Silberman." He said, "Of course, they will not picket." Next morning I said, "Dr. Hourwich, these men are still picketing," and he said, "I do not know."

Now, the report of the joint board about it is as follows:

"REPORT OF THE JOINT BOARD IN THE NEW POST OF MARCH 22, 1913, IN REFERENCE TO THE FIRM OF JACOB SAMUELSON.

"Local No. 1 reports that a committee of Jacob Samuelson's workers have appealed to the local in reference to the trouble in the above-named shop. The local therefore wishes to be better informed as to what has happened in Jacob Samuelson's shop.

"Following is an explanation of the situation:

"The workmen of Jacob Samuelson's shop have for a long time wished to leave the place because they have had very little work there. The firm sent

most of its work outside. The people finally decided to look for other positions. It appears, however, that a little later on a few of the people repented and wished to return to their old jobs. The union could not help them in any way, as they were warned that they would lose their jobs. Many of them have already found jobs, but several have, as yet, been unable to find work, and the only thing that can be done for them is that the local support them until they find work."

Now, the proposition of Dr. Hourwich, that when men go out on strike, and they are discharged for not coming back to work, that they afterwards can claim to come back to work in their own time, and if the manufacturer does not take them back to work, it is a lockout. This has been decided by the joint board themselves, that men who go out and disobey the orders of the clerks, lose their jobs.

I do want to say to you that the best case about Levy & Friedberg, when the man came to me with a proposition, I said, "I won't undertake to take these people back now, and I will confer on that one feature of it at the end of the week." And I said, "The manufacturers' association do not stand for that." Now, you see the difference.

I am sorry that I have not time to present this whole thing.

The CHAIRMAN. We are very sorry, too, Dr. Abelson, but some of the commission have got to leave at half past 2, and we have to hear from one more person. Thank you very much, indeed.

Is Mr. Polakoff here?

Mr. ABELSON. May I, Madam Chairman, ask permission to file these papers?

The CHAIRMAN. Certainly.

Mr. ABELSON. And I want the record to stand.

The CHAIRMAN. Is Mr. Polakoff here?

Mr. ABELSON. May I file these papers with you?

The CHAIRMAN. Certainly.

TESTIMONY OF MR. S. POLAKOFF.

The CHAIRMAN. Will you tell us your position, please, Mr. Polakoff?

Mr. POLAKOFF. My position is that I am at present the chief clerk for the union of the waist and dress industry, and I am first vice president of the International Ladies' Garment Workers' Union.

Madam President and members of the board, really what I have to say has been said to a great extent by Mr. Bisno. There are only three points, which, in my opinion, ought to be made clear before this board—that if the manufacturers really mean everything in good faith those three questions must be put before them and decided.

Now, the question of subcontracting has been covered by Mr. Bisno. I believe the manufacturers will not deny the fact that when the strike was settled of the contractors, the majority decided and insisted that the price ought to be the same. After the first season, the subcontractors began to be created not from the fault of the union, but from the creation of the manufacturers. Now, we sincerely believe that if the subcontractors be abolished immediately and also having the large manufacturers not send their merchandise, their raw material, and so forth, and then call it buying merchandise, then half the trouble would be remedied.

The second point is, as has been explained by Mr. Bisno, in my opinion, after the strike was settled for the first, second, sixth, or seventh months, there was no necessity for an impartial chairman. Now, there is an absolute necessity for an impartial chairman—not because we believe we will have more justice from an impartial chairman but for another reason—cases will come before the grievance board, when the clerks of the association will know there is somebody on top of it, and we may expect justice will be given. At present most of the deadlocks are not coming before the grievance board, but they are dead before they come to the grievance board. This is the real truth, and I believe Dr. Abelson and Mr. Lazynsky will not deny that.

Then there is another important point. At present members of the union—I don't know for what reason—sometimes the working is not all right, sometimes as to behavior, sometimes on union activity they are discharged, and when they are discharged complaint is filed by the union. Now, the moment the man is out of the factory, there are 99 per cent of changes to be reinstated, for the reason that when he is outside he has something to say of what had happened for the last three or four months in the factory, and the manufacturer has something to say against him, and it is hard to bring those two together.

Now, why not have a system where the manufacturer, if he is guilty of something, he is not expelled from the association the first time; he is reprimanded, sometimes a fine is imposed, but he is not expelled. Why should not the workman have an equal right?

And then, if he does not honestly believe that somebody in the factory is doing right, let him prefer charges, and then we will have smoother working.

If these three points can be taken up either by the board of arbitration or by the grievance board, and something could be drawn up to take care of them, I sincerely believe the protocol will be improved.

But, as I have explained before, you can't expect from the workers, call them syndicalists or anything else you want—they began to be syndicalists when the work is taken away from the factory—and we know where manufacturers employed 100 people before where they now employ 60, and work is being done by men who have not \$500 to their names; we know that it is true that legitimate manufacturers do not do that, but it makes no difference, the others are members of the association, and they are protected by the protocol. And if this board wants to do something good, it is up to them to see that these others shall be abolished. If they can't be abolished, no protocol can be lived up to.

Mr. COHEN. May I ask just one question?

The CHAIRMAN. Certainly.

Mr. COHEN. Have you confidence, Mr. Polakoff, in the members of the board of arbitration?

Mr. POLAKOFF. Absolutely.

Mr. COHEN. Are you willing to submit any decision to that board with regard to the construction of the protocol?

Mr. POLAKOFF. Yes, sir.

Mr. COHEN. Are you willing to leave the question of any amendments to the machinery of that board?

Mr. POLAKOFF. Yes; absolutely.

Mr. COHEN. Do you know that the decisions of the board of arbitration instead of having been made by Mr. Brandeis have been unanimous all the time?

Mr. POLAKOFF. Yes, sir.

Mr. COHEN. And that the union appointed one of the members of that board, did it not?

Mr. POLAKOFF. Yes, sir.

The CHAIRMAN. Does anyone else want to ask any questions?

Commissioner BALLARD. I would like to ask, do you remember the case that Mr. Bisno spoke of—the case of Schroll?

Mr. POLAKOFF. If I would have the time I could emphasize not only this case, but 10 or more cases of the same nature.

Commissioner BALLARD. I was going to say; I suppose it is perfectly proper to say it—that I am not going on that 3 o'clock train to Washington, and I would be very glad to talk to you or to Mr. Bisno or anybody else later this afternoon.

Mr. COHEN. Mr. Ballard, will you permit them to get together with you on this question this afternoon?

Commissioner BALLARD. Certainly; I will be glad to.

Commissioner LENNON. Madam Chairman and gentlemen, I want to express to you my gratification at the splendid way in which you have talked out this subject.

I know from a long experience that it does help any industry, and in the controversies that arise in any industry, to have a full opportunity to say sometimes what we have in our minds to say. I want to call your attention to something remarkable in this instance. I have been 43 years in the trade-union movement and come in contact with all phases of organized and unorganized labor and with employers both organized and unorganized. Everybody who has spoken to the commission and before the commission have agreed that the protocol should not be broken down. There is not a single exception to that. Not one. We can not say, we have not consulted, even as a committee or subcommittee of the commission, as to what we may say or do within the next few days or within the future; we have no right to indicate what we will do or can do, but that one thing having been agreed upon by all your representatives I tell you the protocol is going to stand, and it is going to be amended from time to time as the necessities of the industry require it; and that is what you all want, I am confident of. [Applause.]

(Whereupon, at 2.30 p. m., the meeting was closed.)

EMPLOYMENT OFFICES AND UNEMPLOYMENT

(For exhibits under this subject, see pages 1363 to 1440.)

COMMISSION ON INDUSTRIAL RELATIONS.

CITY HALL, BOROUGH OF MANHATTAN,
New York City, May 18, 1914—10 a. m.

Present: Chairman Walsh, Commissioners Lennon, O'Connell, Ballard, and Garretson.

Chairman WALSH. The commission will please come to order. I will announce that Mrs. Harriman and Mr. Delano will not appear here until tomorrow; but we will proceed with those that are now present.

Mr. THOMPSON. Mr. Chairman and members of the commission, the first thing on the calendar for this morning is the question of employment offices and unemployment, which is a matter that has been developed by Mr. Leiserson, who has had that special subject under supervision; and we will now proceed to call the witnesses.

Mr. LEISERSON. Mr. Chairman, we will call Mr. Charles K. Blatchly, of the employment application bureau. But, Mr. Chairman, before asking the first witness to testify, I would like to give just a very brief outline of the line of testimony that we would like to have the witness testify to. This hearing on these three days, will be on the subject of unemployment and employment offices. The most important part of the problem of unemployment is how to get a job. Now, there are various agencies already in existence who try to help people get jobs; there are private employment offices; philanthropic employment offices; trades-union employment offices; employers' association employment offices; and public employment offices. What we want is to know how each of these agencies is handling the problem, and whether any one of them is the best one to handle the problem, and if they have not handled the problem well in the past, whether it has been due to a fundamental error in the principle on which they are based, or merely an error or a failure due to people not knowing how to run the business properly.

Now, Mr. Blatchly, you have many applicants come to you—

Chairman WALSH. First, I wish you would develop Mr. Blatchly's name, his present occupation, and how long he has engaged in it, and all those details for the record.

Mr. LEISERSON. Yes. Now, Mr. Blatchly—

Chairman WALSH. What is Mr. Blatchly's full name?

Mr. LEISERSON. Charles K. Blatchly. You have been in charge of the general application bureau and the association for improving the condition of the poor, and of the charity organization society. You have many applicants come to you for help?

Mr. BLATCHLY. Yes, sir.

Mr. LEISERSON. Sometimes they are able-bodied people, and you have to try to find them a job. Now, what we would like to know is the difficulties and your experiences in finding jobs for these people. Now, to begin with, will you please state your qualifications to testify on this question, the associations you are connected with, and the period of years and so on?

Mr. BLATCHLY. Mr. Chairman.

Chairman WALSH. Mr. Blatchly.

TESTIMONY OF MR. CHARLES K. BLATCHLY.

Mr. BLATCHLY. I have been superintendent of the joint application bureau of the societies mentioned by Mr. Leiserson for six and a half years. Prior to that I was in charge of the State aid and poor in their New York office, so that I have had about 10 years' experience in dealing with these men, and particularly with the men who are on the border line of being unemployable.

I did not expect to outline any particular part of this testimony this morning myself, but rather to answer questions which I expected Mr. Leiserson to ask me.

I want to make very clear that primarily the work is charity work and not running an employment office. When we do get work for our applicants, it is as an incident to our charity work, and it is not the primary function of the bureau. We do get work for 1,000 to 1,200 men every year. Some of this work, however, is only temporary. We place from 300 to 400 men on farms in the country every year and some others in the city, and several hundred are secured temporary work in cutting ice in the winter and shoveling snow and short jobs of that sort. I should much prefer to have the questions asked me and I will answer them to the best of my ability.

Mr. LEISENBERG. When a man comes to you to ask for help and he is able-bodied, you sometimes direct him to a private agency, do you not?

Mr. BLATCHLY. We do; yes.

Mr. LEISENBERG. What we would like to know is, what your experience has been with private employment agencies in getting jobs for those people?

Mr. BLATCHLY. The agencies getting work for common laborers, so called, are usually situated on the lower east side. I have in mind Mr. Lundow's office, 9 Delancey Street. He ships men to the Florida East Coast Railroad. At other places the agency on Mulberry Street supplies the Erie Railroad to a large extent; agencies of that sort. We have simply directed our men to those agencies where we hear there is an opportunity for securing work from them. There are one or two agencies on State Street, Messrs. Atkins, 12 State; also the National Employment Exchange, 56 Cooper Square. We will direct those people to those places. Our experience with these agencies has been that the agencies care more especially—that is, they care nothing particularly for the welfare of the men, but they do care a whole lot more about getting their fees, and when they have the matter arranged so that they get the fees, or are assured, they do not take much further interest in the men. I mean by that that they do not make any inquiry into the working conditions or the living conditions under which the men are to live and work on the jobs. Their particular interest is a selfish one, getting their fee on the job and placing as many men as possible on the job. They do not care whether a man remains on the job or not. That gives them an opportunity to place more men on the job. I hope I am not doing them an injustice, but I think some of them perhaps may want a man to leave a job as soon as possible, because that gives them an opportunity to place another man in their place.

Mr. LEISENBERG. Do they make it appear that they try to find out whether a man can do the work, or whether he is fit for the job?

Mr. BLATCHLY. I can not say as to all agencies. Some do not. I know one employment agency told me not so very long ago, he said the particular company referred to said they will take anybody so long as he is able to carry a shovel. That is, that he had no regard for the fitness of a man to do the work in hand.

Mr. LEISENBERG. What proportion of the people that you send to private employment agencies actually get jobs?

Mr. BLATCHLY. Well, that is impossible to state, because many of them do not return to us. We simply direct them there. When we guarantee the fee, as we do where we have looked up a man's references so that we know he is reliable and trustworthy, and sometimes we have him visited personally, and we send a man to the bureau, guaranteeing his fee. This is only an estimate, but I should think 25 to 30 per cent of the men sent get jobs that way, when we have agreed to be responsible for the fee.

Mr. LEISENBERG. What has been your experience with philanthropic employment agencies, those like the National Employment Exchange, or the Alliance Employment Bureau, the kind that are not run for profit primarily?

Mr. BLATCHLY. The experience of the Joint application bureau with those agencies has not been at all successful. They have only placed approximately 1 per cent of the applicants referred to them. In fact, the manager of one of the branches of the National Employment Exchange said to me that they did not care to have our applicants referred to them, as it was likely to injure the reputation which they were trying to build up for this exchange. Of course, we would have been very glad to have referred a much larger number to them if it had not been for their lack of success and their direct statement to us that they did not care for our applicants. I want to make it clearer there, however, that a large part of our applicants are members of the nearly unemployable class, rather than the able-bodied men out of work. That is the particular class that I am referring to in this statement.

During the winter months we do have a large number of low-grade able-bodied laborers applying to us for work.

Mr. LEISENBERG. The Federal Government has an employment office here run in connection with the Division of Information. Have you had any dealings with them, and what has been your experience?

Mr. BLATCHLY. We have referred applicants to the Bureau of Advice and Information, Department of Commerce and Labor, 17 Pearl Street, since its opening. I am not sure of its date, four or five years ago. We are able to get work for the men outside of the city in a fairly large percentage of the cases, but the difficulty of placing our men through this agency, the difficulties, are these: That where the men have—where the prospective employer has sent the money to pay the transportation to Mr. Green, the director, the prospective employer requires some guarantee that the man will be delivered to him, and it is required in every instance that that man has to have baggage supposed to be of sufficient value to guarantee his transportation; that the baggage can be checked through to destination, and the baggage sent to the employer.

I only mention that to show that our men do not meet that requirement. And in most cases sent out of town we have had to be responsible for the transportation ourselves.

Our applicants are of such character and reputation that we have been unwilling to take that responsibility in many instances, and for that reason we have not been able to place many men through this agency. We have furnished transportation to the destination in quite a number of instances, and, I am sorry to say, we have not been able to get a refund in very many of those cases.

Mr. LEISENBERG. You would not think it advisable, would you, that transportation should be given to the class of men that you speak of that have no baggage?

Mr. BLATCHLY. I would not advise it. I think it would be very inadvisable, because the men would abuse the privilege. The particular class of men that come to us frequently state to us that they think they can better their condition and get a job, or they would be a whole lot better off if they could get to Boston or Baltimore or Buffalo or some other place away from where they now are, and they would abuse the privilege of accepting this transportation and not accepting the job. I might add right there that it frequently happens where we do furnish transportation that the man goes out to the locality where the real job was; he goes in there and finds that some one else is willing to give him a dollar or two more a month perhaps, and he accepts the other offer and does not go to work for the men for whom we furnished the transportation.

Mr. LEISENBERG. You have two classes of men who come to you, one, we will say, roughly, has baggage and the other has not baggage. Those able-bodied and willing-to-work men who have got a little bit of baggage with them, you would say that for them the question of advancing transportation is an advisable thing?

Mr. BLATCHLY. I would say that in those cases.

Mr. LEISENBERG. And the other it would not be advisable?

Mr. BLATCHLY. It would not be. A very small percentage, less than 1 per cent, I should say a quarter of 1 per cent, perhaps, of our applicants have baggage of sufficient value to guarantee their transportation.

Mr. LEISENBERG. Would you say, then, that the vast majority of your applicants are unemployed or the unemployable?

Mr. BLATCHLY. Well, it is impossible to answer that question by saying yes or no. They are practically unemployable. They are unreliable. They are men who are heavy drinkers to a very large extent. I estimate that 90 per cent of them are drinkers to such an extent as to interfere with their ability to earn a living. Some of them are willing workers and able-bodied, but they work a month, or until the first pay day, then they quit and spend the money. They are that type of men largely. I do not say, and I do not mean to say, all of them are, but a large percentage. I should say on an estimate nearly up to 90 per cent, perhaps 90 per cent.

Mr. LEISENBERG. Now, for men of the type that are unreliable, would you think that employment offices of any kind would be any particular value to help them out of their condition?

Mr. BLATCHLY. It would be; employment offices would be of some value, but it will not solve that problem, in my opinion.

Mr. LEISENBERG. Will you state what you think would be more advisable toward the solution of the problem of these men who come to you, in a great majority of cases?

Mr. BLATCHLY. I should think the first necessary thing would be a survey of the field to find out how many men there are, if possible. It would be impossible to find out actually the number of the floating class which I mention.

Mr. LEISENBERG. Do you think an employment office, by a system of records, would be able to help you to get that information?

Mr. BLATCHLY. That would be the first step. If an employment office, or system of employment offices, with a system of records, keeping track of these men would show how large the problem of floating labor is. There is a large demand for floating labor. I have directly in mind the harvest fields of the West. A particular class to which I speak beat their way west on freight trains and beat their way east when the job is finished, and they do beat their way to the casual work in other parts of the country, and they do a real service in that. I don't believe an employment office would help that situation very much, because an employment office would presuppose the payment of the fare. There is no Government office that would advise these men that there was work in Minnesota or Dakota, and advise them to beat their way on freight trains. Many of our men are of the class that they will never improve their condition very much until they have definite periods of training in some industrial colony of some sort. That is the particular class of people with which the joint application bureau is dealing. We have urged that upon the State and the city for several years.

Mr. LEISENBERG. Go back to the employment offices. Now, would you say that the private employment offices were not a very great help to you for the able-bodied men and willing workers; I mean the reliable class, now.

Mr. BLATCHLY. Well, I shall have to explain my answer. The National Employment Exchange—

Mr. LEISENBERG (interrupting). Pardon me, just a moment. Let us leave the philanthropic out; just profit-making agencies first.

Mr. BLATCHLY. In this connection, I refer to the National Employment Exchange as a—not as a philanthropic agency, but as an agency paying reasonable returns on the investment. The other agencies have been fairly successful in getting work for those men in certain periods of the year. They seem to me to fill the need fairly well when there is work to be had. Of course, in the wintertime, when there is no demand for laborers, a hundred employment agencies could not get a job for one man if there was no work to be had. In the spring and in the summer I think they are fairly successful in taking care of that situation.

Mr. LEISENBERG. Do you think that the fee that they charge is a hardship for the men?

Mr. BLATCHLY. It is a hardship as at present administered, because the men are selected without any particular regard, apparently, for their fitness for the work. This does not apply to all agencies. I only refer to some. So that the man is constantly changing his work, and if he changes his work several times during the summer and has to pay a fee at every change, as he does, it is a hardship. If he only had to pay one fee for one summer's work it would not be a hardship.

Mr. LEISENBERG. Have you any case in mind where men have paid many fees during the year, so that it would make quite a sum?

Mr. BLATCHLY. I haven't specific instances in mind which I could mention; that is to know the man's name and number of fees and things of that sort. But I know, in talking with the men who have applied at the bureau, that that is so. In going over one case record, as we call it, only two or three weeks ago, I found that one man had had 30 or 40 jobs in the last seven or eight years. I had that directly in mind, but there are several others that would have nearly as many jobs; and he paid a fee in nearly every instance.

Mr. LEISENBERG. What was the fee?

Mr. BLATCHLY. Ten per cent of the salary. He was a low-grade worker, usually received board in addition to his salary. He was employed as an orderly or attendant in institutions where the salary was from \$20 to \$35 a month and maintenance.

Mr. LEISENBERG. And he would pay how much?

Mr. BLATCHLY. Well, at a \$20 job he would pay a \$2 fee, and if—up to \$35, I think that was the highest he ever received a month, it would be \$3.50.

Mr. LEISENBERG. You think, then, he would pay as much as \$10 a year in fees for jobs?

Mr. BLATCHLY. Well, I think that he would pay in some years \$15 to \$20 a year in fees.

Mr. LEISEN. Do you think that the service that private employment agencies render in getting the men these jobs is worth the price?

Mr. BLATCHLY. Why, I think so; yes. I think the fee is fairly reasonable; 10 per cent.

Mr. LEISEN. Would you say that it would be perfectly proper for the manner of getting jobs for wage earners, or bringing the employers and the workmen together, to leave that in private hands, with whatever fee they will charge, or that 10 per cent fee, that they will take care of this problem satisfactorily?

Mr. BLATCHLY. Well, I don't believe they will ever take care of the problem satisfactorily, for the very reason that they naturally work for selfish motives entirely, and they are not running these agencies for the welfare of men. I mean by selfish motives, gainful motives; that is, they want to get as much income as possible and place as large a number as possible, without consideration of any other matters.

Mr. LEISEN. You said 10 per cent was a reasonable fee. Is that what is ordinarily charged?

Mr. BLATCHLY. That is the regular, the usual, fee with agencies of which I have knowledge. The National Employment Exchange charges \$2, I believe.

Mr. LEISEN. What I would like to get from you is this: Is the fact that there are very many employment agencies in the business, each of them, perhaps, charging 10 per cent, is that a hindrance to a man getting a job, or does it increase his opportunities?

Mr. BLATCHLY. It makes a hardship in getting the job, because there are only so many jobs anyway, and the man might have to canvass 30 or 40 agencies, for instance, to find a particular job for which he was fitted. If the information was all in one central agency where he could go and find out if there was any work for which he was capable, it would be much easier for the man and save a great deal of lost energy.

Mr. LEISEN. You would say, then, that it was a vital defect in the system of leaving the labor market to private agencies, to have so many of them?

Mr. BLATCHLY. I should say it was a vital defect to have so many of them without any supervision. If they were required to register their calls for work and also the applicants for work in a central agency, it would not make any difference how many you had—ten or a thousand—if the information was available so that a man might get it by going to one place instead of a large number of places.

Mr. LEISEN. Would it ever be possible, so long as this is in private hands, to have that kind of a central agency, to have all of them report to it?

Mr. BLATCHLY. I think it would be possible, but very difficult. It would be necessary to require them by law to report these applicants daily, and I fear that to secure this daily reporting of applicants it would be necessary to have a considerable force of inspectors to see to that, if the law was to be made practicable.

Mr. LEISEN. Now, you said that 10 per cent is the reasonable fee, and that is generally charged by private agencies for the service that they render. From the standpoint of the society which wants to get these people to work as soon as possible, would it be advisable to prohibit the collecting of the fee from them and to have the State spend the money, if it were to cost, say, 10 per cent, in order to get the service?

Mr. BLATCHLY. That is rather a difficult question to answer. I am inclined to think that it would be worth while, but I should want more careful study of the field before coming to that as a definite conclusion. I am inclined to think it would be desirable.

Mr. LEISEN. Besides these private employment agencies—

Chairman WALSH. Just a moment, Mr. Leisen. This 10 per cent; what is that charged on?

Mr. BLATCHLY. Ten per cent of the first month's salary.

Mr. LEISEN. Besides these private agencies, there have been and are philanthropic agencies which are operated not primarily for profit, but to make the thing pay just a very reasonable or very small profit; that is to say, on the same principle that philanthropists put up model tenements or a penny provident fund. Now, do you think it advisable for us to encourage that sort of enterprise as against the private agencies?

Mr. BLATCHLY. Agencies of that sort would be more helpful in conserving the resources and energies of the men; that is, if such agencies were operated in

a businesslike manner, at a minimum cost, it would certainly be of much more benefit to the men than other agencies which are operated solely for their own financial gain—be much better.

Mr. LEISENBERG. You have had some experience with the agricultural employment office in this city?

Mr. BLATCHLY. We have.

Mr. LEISENBERG. Can you tell what that has been?

Mr. BLATCHLY. We have been able to secure very little work through the State agricultural bureau; but this is no reflection on the State department. The reason we have not been able to secure more is the reason that our men have not had baggage sufficient to guarantee their transportation to destination; and that is one of the absolute requirements of the State agricultural bureau, as I gain from our experience. Wherever we have had a man with good baggage, as we do have in rather rare instances, they have been quite successful in securing a good position for him.

Mr. LEISENBERG. You have stated generally that there have been evils connected with the private employment agencies; for example, the changing of men around so as to collect more fees, and so on. Can you go into that a little more in detail and give us some idea of what the abuses of the private-agency business are?

Mr. BLATCHLY. Well, I probably receive more complaints from men who have gone to work for different sections of the Erie Railroad than from any others. These men are furnished the Erie Railroad, I understand, through Mr. Marr, and I have never had any dealings with him directly, so this is on information given us by our applicants after they return to us from the work. At one time we did refer a considerable number of Italian laborers to an employment agency at 733 (?) Mulberry Street, who turned them over to Mr. Marr. These men complained to me. Now, I have not verified this personally; in fact, it has been impossible for us to do it. I have no official standing in making any such investigation. These men are frequently very needy, and their transportation has to be advanced to them by the railroad company, and they have complained that they are sent out—that they are placed in box cars with perhaps none or very little accommodation made for their comfort and welfare. Frequently they have nothing to sleep on, sometimes a tick filled with hay or straw or excelsior is provided for them and charged up to them. The men complain of the exorbitant charges for foodstuffs. In addition they have to pay for the sleeping accommodations in the box car. Generally they are required to do their own cooking, no facilities being provided by the railroad company for doing this. That is, they have to buy frying pans, spoons, knives, and forks, or anything they want of that sort, and that the employment fee and the high prices charged for foodstuffs, makes it impossible for them to save any money. Very frequently they decide to quit the job. They say that they can not hardly live, much less save anything, and very frequently their transportation is deducted from their wages in addition to the fee charged by the agent for placing them, and, of course, all advances made from the commissary. In addition to that they claim that when they serve notice on the foreman that they intend to quit work the foreman says, in substance, "Very well, the paymaster will be around in 10 days." They ordinarily have to get their pay on the job—that is, they can not come back to New York, the place from which they are hired, and get the money. This requires that they still continue to buy their foodstuffs of the commissary, so that if they have anything coming when they quit, by the time they have had to wait to get their money they have nothing. I want to make it very clear that I have not made any personal investigation to verify it, but have heard this story from large numbers of men who applied for assistance to the bureau, and I mention that only as an instance.

Mr. LEISENBERG. Is there any department of the Government that is disposed to look after things of that kind?

Mr. BLATCHLY. Not so far as I know.

Mr. LEISENBERG. You have never made any personal investigation of the labor camps of the State?

Mr. BLATCHLY. I never made any personal investigation of the State labor camps. I did make a personal investigation of some of the camps maintained by New York City at the time they were increasing the size of the reservoirs on the Croton Aqueduct.

Mr. LEISENBERG. Have you ever been to any of the ice camps?

Mr. BLATCHLY. I have; yes, sir.

Mr. LEISENBERG. You may tell us something of those.

Mr. BLATCHLY. I inspected the camps maintained by the Mountain Ice Co. at Greenwood Lake, N. J. This was a year ago last winter, the winter of 1912 and 1913. I visited these camps as the result of complaints by some of the laborers, who had been discharged, that the living conditions were very bad. The New York Call printed quite a long article, making a severe arraignment of these camps, which was the reason for my investigation, because we had furnished several hundred men to work for this particular company. We visited the camp at the upper end of the lake and the camp at the lower end. They have specific names for them, but I have forgotten the names for the moment. There were three of us visited the camps. Our visit was not announced, but we introduced ourselves to the foreman in charge, who took us about the different ice houses. They have three or four ice houses, as I remember it, side by side at the upper end of the lake. The working conditions seemed fairly satisfactory. The men are housed in wooden shacks erected, as I understand, for the purpose of housing employees to cut ice during the winter months. The sleeping accommodations were not very good, but they were not very bad. The men were furnished a tick filled with straw and two or three blankets; no sheets. The place was not very clean, but the foreman said that the company endeavored to keep it so, but the filthy habits of the men made it impossible, and I am inclined to think that the foreman may have been right in that respect, because I observed the room where the men had expectorated on the floor, and so on. There were stoves in each one of these places. The men were provided with plenty of coal and if they did not keep warm it was their own fault. The foreman said the men were frequently too lazy to go down to the coal bin and get the coal, which was perhaps two or three hundred feet away. There was very little complaint, if any, of the upper camps. As I said before, we came in just before dinner time, and so our visit was unannounced. I told the foreman we would like to inspect the food, and he said, "Come on down to the camp and have dinner with the men." So we went on down and sat down at the table and ate the same dinner served to the men, and it seemed good, very good, and fairly adequate.

Chairman WALSH. He didn't ask you to sleep with them?

Mr. BLATCHLY. He did not. I had an engagement in New York that night [laughter], so I would have been unable to accept that invitation. As I remember it, though, they had a fairly generous quantity of roast pork, baked potatoes, and bread and butter served to them. We then visited the lower camp—

Chairman WALSH. Right there, before you leave that point, what did they have? Just describe the food.

Mr. BLATCHLY. They had baked potatoes, roast pork, plenty of brown gravy, and bread and butter and coffee. I think in addition to that they had a pudding of some sort; I have forgotten whether it was a bread pudding. There was something else in addition to that, but of course it was served in generous quantities and well cooked.

Commissioner O'CONNELL. What are their hours and wages?

Mr. BLATCHLY. They were paid 20 cents an hour. The men during the rush season there were allowed to work as long as daylight lasted. Sometimes they get in 10 hours a day. They also worked Sundays. Ten hours a day at 20 cents an hour would, of course, be \$2, and when they worked only eight hours it was \$1.60.

The next camp we visited was the camp at the lower end of the lake. The company had placed a woman in charge of this camp, who was of rather slovenly habits, apparently. That is, the place was not well kept. This seemed to be the main difficulty there. The company supplied the food—furnished the food, rather, charging the boarding housekeeper for it. The company did furnish good food materials. We inspected the meat and inspected the vegetables sent up, and inspected the bread, and so forth, and the company's part was well taken care of. This is the camp from which complaint had come in, and I think it was entirely on account of the woman and the men—the woman was in charge, but she had one or two to help her do the work—because of the incompetence and slovenliness of the woman. We talked with several of the men there, and that seemed to be the trouble—that the food was badly cooked and badly served, and that the place was dirty.

Commissioner O'CONNELL. To keep the record straight there, does the company furnish the food or foodstuffs to the men in addition to their wage—in addition to this 20 cents an hour?

Mr. BLATCHLY. No; the men are charged 25 cents a meal and 25 cents for lodging, so that when they only work 8 hours they get only 60 cents a day clear, and when they work 10 hours only a dollar a day clear. In addition to that, they are charged their transportation to the place, which I am not sure of the fare, but I think it is \$1.00 to \$1.75 sent to Greenwood Lake, N. J.

Mr. LEISENBERG. Mr. Blatchly, would you say that the condition you have just described, and the fact that there is a very little left, after they have worked, that that has some influence in making them quit at the end of a month or two and making them into the kind of men that you have spoken of?

Mr. BLATCHLY. Of course, it is cause and effect of making these men what they are. A man who can not save anything naturally gets discouraged. When he is able to get a little money saved he likes to drown his troubles, to use the familiar expression.

Mr. LEISENBERG. Put it this way: You say that a good man, one of these able-bodied men, with baggage and willing to work, and so on, would be able to work and live under the conditions that you found?

Mr. BLATCHLY. Well, he would be able to save very little money, very little. However, if this man of good reputation, with baggage, and who had saved his money at farm work, where he was able to earn \$25 or \$30 a month, with board, during the summer, this would be an opportunity of giving him temporary work, perhaps, from 6 to 12 weeks during the winter, which would enable him to earn his board and a little in addition.

Commissioner O'CONNELL. Will you tell us what baggage is required of a man making 60 cents a day?

Mr. BLATCHLY. Not any. In a case like that, I only refer to baggage where a man is sent out to a job which lasts through the season. This lee work would only last six or eight weeks. They would hardly be taken into consideration in talking about permanent jobs.

Commissioner GARRETTSON. If a man went to a position of that kind, with baggage, would he be liable to have any to bring away?

Mr. BLATCHLY. He would quite likely have it stolen. That is not required at all.

Mr. LEISENBERG. I would like to ask you whether you made a record on that investigation; whether there is a written report which the commission could have.

Mr. BLATCHLY. I don't remember whether I made a written report. I think I did. I think I made a written report to my committee. I am not absolutely sure. I will look it up and I will be glad to send it to you if I have one.

Mr. LEISENBERG. Let us go back for a moment to the private employment agencies. I would like to go into detail a little in regard to their abuses. Has it been your experience that men have been sent to places and fees collected and there were no jobs for the men?

Mr. BLATCHLY. I have had knowledge of that, but not with any of our own particular men. We had an inspector making a study of conditions at the city aqueduct. That happened there. Twenty men were sent there, fees collected, and there was no job there; but I am glad to say that our inspector had the man arrested, and he was sent to six months in jail on the charge. I have not had any such experience with any of our applicants, and in this particular instance the man was punished for doing that.

Mr. LEISENBERG. Have you ever had complaints against private agencies that you referred to the Inspector of licenses or commissioner of licenses, in order to give you some idea of the effectiveness of the regulation of these agencies?

Mr. BLATCHLY. I don't remember ever reporting any agencies to the commissioner of licenses for any dereliction of duty. I have threatened to in one or two instances, where we have paid the fee, and the man was sent to a job that he was obviously unfitted for, and I had demanded the fee back. We have had a little difficulty, but I don't remember ever reporting any such an agency.

Mr. LEISENBERG. You would not be in position to testify as to the effectiveness of the regulation?

Mr. BLATCHLY. I am not.

Mr. LEISENBERG. I think that is all, unless some of the commissioners have a question.

Chairman WALSH. I have a question or two to ask, if you please. In those lee plants that you visited, had there been 10 per cent collected by some employment agency?

Mr. BLATCHLY. There had been no fee collected whatever.

Chairman WALSH. The commission would like to know what is the meaning of the joint-application bureau. That is the designation of your bureau?

Mr. BLATCHLY. It was so named because it is supported jointly by the Charity Organization Society and the Association for Improving the Condition of the Poor, two large philanthropic organizations.

Chairman WALSH. Both located in New York?

Mr. BLATCHLY. One hundred and five East Twenty-second Street.

Chairman WALSH. Have they any connection outside of New York?

Mr. BLATCHLY. They have none.

Chairman WALSH. Do you have what is designated as an employment bureau in the association?

Mr. BLATCHLY. We have not.

Chairman WALSH. You have no separate department?

Mr. BLATCHLY. We have no separate department for that.

Chairman WALSH. Where is your office?

Mr. BLATCHLY. One hundred and five East Twenty-second Street.

Chairman WALSH. What is the designation on your door?

Mr. BLATCHLY. Joint Application Bureau of the Charity Organization Society and the Association for Improving the Condition of the Poor.

Chairman WALSH. Do you keep a record as to where these men come from that you undertake to obtain employment for?

Mr. BLATCHLY. We do; yes.

Chairman WALSH. Where do you have those filed?

Mr. BLATCHLY. Filed in our office, first floor, 105 East Twenty-second Street.

Chairman WALSH. Is there any touch between your bureau and any State agency or municipal agency that has to do with the question of unemployment?

Mr. BLATCHLY. There is not.

Chairman WALSH. None whatsoever?

Mr. BLATCHLY. None whatsoever.

Chairman WALSH. Who meets the men when they come in to apply for those places?

Mr. BLATCHLY. Well, we have 12 or 14 employees. We have interviewers there. We have three men.

Chairman WALSH. But they do not interview them on this alone, but general interviewers?

Mr. BLATCHLY. General interviewers; yes, sir.

Chairman WALSH. For instance, in the case of those ice camps, are there any statements made to the men going out as to the exact conditions in the camps?

Mr. BLATCHLY. Generally. Of course, when we send out, we send out sometimes 50 to 100 men a day.

Chairman WALSH. Yes.

Mr. BLATCHLY. And I intend to advise every man, and I generally announce before the men assembled there exactly the conditions, as far as possible; but they have to sign a paper, that I see in every instance, that the wages and the amount to be deducted is incorporated in the contract they sign. So they know exactly what will be deducted. They go with full knowledge of what they will have to pay for board, the amount of railroad fare, and the wages received.

Chairman WALSH. When did you make this visit to the camps, Mr. Blatchly, in person?

Mr. BLATCHLY. As I remember it, a year ago this last winter. I think it was the month of January; may have been February. January or February, 1913.

Chairman WALSH. Prior to that time had you any personal information as to the conditions of the camps—how the men slept, what they ate, or anything of that sort?

Mr. BLATCHLY. I had not.

Chairman WALSH. Through whom do you require that information to give to these men?

Mr. BLATCHLY. From the offices of the company, the secretary of the Mountain Ice Co.

Commissioner GARRETSON. How long have you been in the business, Mr. Blatchly?

Mr. BLATCHLY. Ten years.

Commissioner GARRETSON. I assume that you have in that time formed some opinions in regard to certain features of that that might be valuable to us. Do you believe that if legal means were devised whereby what might be termed an industrial rate could be established, whereby unemployed men in search of employment—men in one region—could be connected with employment that might exist in another region, for the off season, that that would be desirable?

Mr. BLATCHLY. I think it would be very much so.

Commissioner GARRETSON. Have you ever given any thought as to whether or not a means could be devised that would prevent the abuse of that rate by the—not only by the men themselves, but by those who administer it, issue it?

Mr. BLATCHLY. Well, I have not worked out any particular working scheme. I do think that some plan requiring every applicant for work should be required to have some sort of a work book, such as is required of men who sail on the sea, so that when a man is discharged from any given job that the employer is required by law to state what his record is and enter it in his work book. I think some such plan as that should be put into operation.

Commissioner GARRETSON. In other words, a passport; workmen's passport.

Mr. BLATCHLY. Yes.

Commissioner GARRETSON. That is what it would be equivalent to?

Mr. BLATCHLY. Yes.

Commissioner GARRETSON. And devised by each employer.

Mr. BLATCHLY. And I should insist that that should be made so important that a man travelling without his workman's passport would be looked upon rather suspiciously. I should do it to encourage the men to cooperate in having that so that we could weed out and find out how many men of the tramp, vagrant, and inebriate type were roaming around the country, undesirous of getting satisfactory work, of getting steady work.

Commissioner GARRETSON. A measure of that kind could only be conducted under a national system.

Mr. BLATCHLY. It could only be conducted under a national system.

Commissioner GARRETSON. Does your experience with the employing of men lead you to believe that the fee system furnishes an incentive to noneture, to shorten the job, in order to duplicate the fee?

Mr. BLATCHLY. I think it does. I am quite positive that it does.

Commissioner GARRETSON. Have you ever found any evidence of collusion between the employing agents—I am speaking purely of the commercial agent—and the gang boss to hire and hire.

Mr. BLATCHLY. I have frequently heard such statements, but we have never made an investigation to determine that. I don't know that.

Commissioner GARRETSON. Well, as a matter that has come to your knowledge often, does the knowledge which has reached you here lead you to believe such a thing might often exist?

Mr. BLATCHLY. I believe it does.

Commissioner LENNON. Suppose you receive an application for, say, 50 men, and you have none connected with your office—that is, that have reported. How do you go to work to find the men, or do you do anything of that kind?

Mr. BLATCHLY. For several years we have maintained a social secretary, so called, at the municipal lodging house, which is maintained by the department of public charities for the care and shelter of homeless men. When we get a call for 50 men to go out to cut ice we never—we never—if we haven't the men on hand ourselves, of course—if we have them, we send them out, but if not we notify our wood yard. We maintain a wood yard to give work to these men. These men only earn a bare subsistence there. We first telephone to the wood yard and see if there are any men there, and if there are to send them over; and if we don't get enough there, we notify our social secretary or the superintendent at the municipal lodging house to send men over from there. Occasionally we have asked one or two other philanthropic agencies in the city. We never ask any other agency except the philanthropic ones to send men to us. We simply tell them—these other agencies are referred to; the Bowery Branch of the Young Men's Christian Association and the Bowery Mission, and agencies of that sort—simply tell them briefly of the opportunity for work and living conditions as we know them, and the hours and rate of pay, and deductions.

Commissioner LENNON. Suppose you have 50 or 100 men and don't know of any jobs open. What effort, if any, do you make to find if there are jobs open? Any—or if you make any, what are they?

Mr. BLATCHLY. We are in touch with the different employment agencies through our visitors. We get information from them as to the possibilities of getting work through the different agencies. For instance, when men are in demand for the Florida East Coast Railroad or men are in demand in other construction work—large canal, State roads, etc.—through any particular agency we usually hear of them. The other men, other applicants, advise us where men are being shipped. But we do not advertise or have any other way of knowing it.

Commissioner LENNON. You spoke^{*} about 10 per cent commission being paid out of the first month's wages. Suppose a man was employed for just one week. Would he pay the whole 10 per cent by the monthly rate or would he pay 10 per cent of what he got for the week?

Mr. BLATCHLY. If he was engaged for a week, the fee would be 10 per cent of his earnings for the week; but if he—a man got a job under the present system, he has to pay his fee in advance. If he worked a week and quit the job, he would lose his fee, 10 per cent of the month, whatever it was.

Commissioner LENNON. In that case he would be paying by the month.

Mr. BLATCHLY. He has paid for it by the month.

Commissioner LENNON. Do I understand you correctly to state that men—I think you mentioned the Erie Railroad Co.—men furnished to the Erie Railroad Co., had to pay their transportation, and were transported to the place where the work was to be found in freight cars?

Mr. BLATCHLY. I did not say that.

Commissioner LENNON. I thought I must have misunderstood you.

Mr. BLATCHLY. I did say that the men told me that the transportation was deducted from their wages. They were carried up in passenger cars. They were furnished freight cars to sleep in on arrival.

Commissioner LENNON. Oh, yes.

Mr. BLATCHLY. I want to make it very clear that I don't know this. I am repeating what the men told me. I have had it told to me at so many different times, I think there is considerable truth in it.

Commissioner BALLARD. Are these men usually foreigners, or are they Americans, that you send out?

Mr. BLATCHLY. A large percentage of them are; practically all of them are English-speaking people. I should estimate that 50 per cent of them were born in America, but that the other 50 per cent had been here long enough so that they speak English well, if born in non-English-speaking countries. We have many Irish and a few Scotch and a few English who apply.

Commissioner BALLARD. Would they be generally men with families, or are they without families, or have they abandoned their families?

Mr. BLATCHLY. So far as we know, they are men largely without family connections. If they have abandoned their families, they are unwilling to admit it, when applying to us. I presume that that is so. In some cases we have found it to be true.

Commissioner BALLARD. They would be largely, then, what you know as the hobo class.

Mr. BLATCHLY. That is the common name for the class; yes.

Commissioner BALLARD. As I understood you, about 90 per cent of these men drink whatever money they get, drink it up?

Mr. BLATCHLY. I estimate about 90 per cent of them.

Commissioner BALLARD. If that is true, would it make any difference whether they received \$1.60 or \$2 a day or \$4 a day, and whether they paid \$1 a day for board or 60 cents, when the end of the month came or the end of the four or five weeks' ice-cutting season, would it be better they should receive \$10 cash, or \$50 in cash, if they are going to drink it up anyway?

Mr. BLATCHLY. The only object of paying larger wages is it helps get the money in circulation. One of the most experienced philanthropic workers in New York said to me not long ago, that it would be better if these men could be compelled to work without pay; that their help was better. This statement was made by the superintendent of an institution where there are a large number of unpaid helpers, and I have protested at the injustice of requiring those men to work for nothing, and he said for this class of men it is much better they work for nothing, because any money they earn they spend for drink, and by working for nothing they keep in good health and in condition to do their work satisfactorily; whereas, if we paid them we would not have them.

Commissioner BALLARD. Then, the more wages they receive the quicker they drink themselves to death?

Mr. BLATCHLY. That is the idea.

Chairman WALSH. This gentleman's idea, who gets the money? Who gets the profit?

Mr. BLATCHLY. The saloon keeper.

Chairman WALSH. This gentleman who says they should not get any pay at all, for their moral and general welfare, who gets the profits, the earnings?

Mr. BLATCHLY. The city, in that instance.

Commissioner BALLARD. One other thought. Are they furnished with liquor at their work, and is that deducted from the wages, or can they get whisky from any source where they work, which will come out of their wages in some way?

Mr. BLATCHLY. I can not answer that question. In some instances that I know of, however, they are allowed to. I refer especially to the camp maintained on the New York City Aqueduct. They were allowed to buy liquor just as far as their credit would enable them to do so; so that the men each day drank practically what they earned.

Mr. LEISERSON. I wanted to ask the question, if, as Mr. Blatchly stated, the wages came up to \$4 a day, whether that would not attract a different kind of men into the camp.

Mr. BLATCHLY. There would be no question about that. I was simply referring to this particular class of persons. Of course, possibly, if he got \$4 a day, and had been able—wages had been such that he could have earned that, possibly he would not have had the discouragement that he now has, and he would have saved his money and made a respectable, self-supporting citizen.

Commissioner O'CONNELL. Now, what way do you differentiate between the men that are gathered up, or come to your place of employment, good, bad, or indifferent? Do you attempt to separate them in any way?

Mr. BLATCHLY. We take a man's statement. Of course, they all come to us for something; that is, either ask for work—a large number of them do; but they are all destitute.

We take a statement as to their needs, and in this statement we take the names of their employers. We either visit the employers, if they are city references, or write those outside, and get a line on the man that way, and find out whether they are reliable or whether they are discharged, and whether there is any chance for reemployment in the place where they last worked, and other information. We have a form letter for that.

Mr. LEISERSON. I would like to get a definite statement from you if you know whether these conditions in the camps—these ice camps, or aqueduct camps, or railroad camps—have anything to do directly with manufacturing hoboes—that is, in making them drunkards, and so on.

Mr. BLATCHLY. There is no question in my mind that they are one of the most potent factors in making hoboes and drunkards.

Commissioner O'CONNELL. If an application comes to you for 50 or 100 men from a railroad, or some large employer, do you make any investigation as to whether there is any strike or trouble on that road, or with that employer, between himself and his employees?

Mr. BLATCHLY. We do; yes. We get a statement from the prospective employer that there is no strike or labor trouble. We would not send any men out where there was any labor troubles.

Mr. LEISERSON. It has been suggested that by the establishment of the so-called labor farms, where men of this class are sent for a month, or two, or four, or maybe six, until they can perhaps be taught some more permanent class of work or occupation, you might overcome this drinking habit. Have you ever considered that for this country?

Mr. BLATCHLY. We have considered it very carefully, indeed. In fact, the joint-application bureau took charge of a legislative campaign in 1911, which resulted in the establishment of a State industrial farm colony in the State of New York for this particular training of these men. The land has already been purchased for this institution at Green Haven, Dutchess County, N. Y., and we believe most sincerely that that is the only way to ever make these men self-supporting citizens—is to give them this particular training, which has been so successfully done in foreign countries, particularly Switzerland and Germany. In fact, in Switzerland, it has been so well done at the Weitzel Colony, that the men pay the whole maintenance and administration charges of the institution and return no profit to the State several hundred dollars each year. I would not expect that to be done quite so well in this country, perhaps, because conditions are different. But in Germany the men are maintained on an expense of only \$29 or \$30 a year to the state in these labor colonies.

Commissioner O'CONNELL. Are you speaking of the difference between the applicants who may have baggage and those who do not have baggage? The one with the baggage seems to have more value.

Mr. BLATCHLY. Yes.

Commissioner O'CONNELL. What do you consider baggage in that case?

Mr. BLATCHLY. We consider baggage something that can be checked on the railroad. The railroad company, for instance, will not take a bundle done up in a paper and tied with strings; they must be incased in either leather or wood—

Commissioner O'CONNELL (interrupting). Do you examine the contents?

Mr. BLATCHLY. Not at all.

Commissioner O'CONNELL. And the man who comes along with an imitation suit case that he has picked up from some place, and able to check it, would get an important standing over the man who did not have baggage?

Mr. BLATCHLY. I think it would be likely we would not send these men out and advance hundreds of them with fare, in fact, until we knew something about them, and our men always—one of our visitors always goes to the train with them. He would detect them. I remember once or twice a different employment agency had suggested where they had a requirement for baggage that anything would do; can't you find some old suit case a man will check? Of course, we don't do it that way. I don't think that is done very often, although I did furnish transportation less than two months ago to one of Mr. Green's cases up to Syracuse, N. Y., to a definite farm job there. The man went there. We expended altogether \$14 or \$15. We checked his baggage through, and sent the check to the farmer in the usual way. The man had found that he could get work in a factory in Syracuse, and he went to the railroad office and identified himself as the owner of the baggage without the check, and the baggage was delivered to him without any further ado, and we lost the \$14.

Commissioner LENNON. If there is anything about this question I am about to ask that you don't want to develop by this witness, just say so, and go on. What, if any, system, or lack of system, is there in employment agencies as to the collecting of data of jobs open for the entire country? There are jobs open often in towns of a thousand inhabitants, or two thousand or five thousand, and in country districts. What system or lack of system, in your view, is there regarding the collection of data to the open jobs throughout the country?

Mr. BLATCHLY. So far as I know there are no employment agencies doing that at the present time. I believe the National Employment Exchange intended to do that, but so far as I know they have not done it.

Mr. LEISEASON. Mr. Lennon, the other witnesses will testify on that point.

Commissioner LENNON. All right.

Mr. LEISEASON. There is just one question. If you had a body of good laborers, what ordinarily we call willing working men, say, a family man, or a man who is not married, but has got baggage, and you had an order from an ice camp for men, would you send those to the ice camp, or would you instead of that, look for a definite class, say, the hobo class, to go to those camps?

Mr. BLATCHLY. That quite frequently came up when we sent the men to them to the ice camp, and I advised the family man not to go, because he could not earn enough there to help support his family in the city, so I told him it would be better to remain here, and endeavor to get more suitable work in the city.

TESTIMONY OF MR. RICHARD G. WAHRBURG.

Mr. LEISEASON. State your full name and the association you represent, please.

Mr. WAHRBURG. Richard G. Wahrburg. Employment Agents Protective Association.

Chairman WALSH. That organization has its office in New York, has it, Mr. Wahrburg?

Mr. WAHRBURG. Yes.

Chairman WALSH. And what are the constituents of it; the employment agencies of the city?

Mr. WAHRBURG. Well, we have a number of employment agencies of the city, what belong there, and the common employment agency, to see that no bad employment agencies are getting the help and support of the commissioner of licenses.

Chairman WALSH. They are all private agencies?

Mr. WAHRBURG. All are private agencies.

Chairman WALSH. Employment agencies for profit?

Mr. WAHRBURG. Yes, sir.

Chairman WALSH. What position do you hold with it?

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Mr. WAHRBURG. I am president in this organization. There is also other organizations, united employment organizations, that is represented by Mr. Irvin and of this organization I am the treasurer.

Chairman WALSH. Are you a paid official?

Mr. WAHRBURG. No, sir.

Chairman WALSH. Do you have a private office?

Mr. WAHRBURG. I personally have an office; yes, sir.

Chairman WALSH. You have also an employment office?

Mr. WAHRBURG. And employment agency.

Chairman WALSH. All right.

Mr. LEISERSON. You are not the president of the association; you are the treasurer?

Mr. WAHRBURG. No, sir; there are two organizations.

Mr. LEISERSON. You are the president of—

Mr. WAHRBURG. I am president, and at the same time treasurer of the other.

Mr. LEISERSON. What is the distinction between the two associations?

Mr. WAHRBURG. One is the old organization and the other is the bigger one—the United—that used to be on the east side and the west side. This is the east side, and the United has the west side; that still remains.

Mr. LEISERSON. You heard some remarks made by Mr. Blitchly in regard to private employment agencies and in regard to the evils of their business. Would you like to answer any of the statements that he made?

Mr. WAHRBURG. Well, I do.

Mr. LEISERSON. Well, go ahead.

Mr. WAHRBURG. Well, I do believe that, for instance, Mr.—I don't know the name of the gentleman—made the remark that employment agencies do not do so very good, because they only have personal motives, and on account of that they do not care very much about the employers and about the employees. Now, I like to contradict him in this. We are business men just as any other business men. We try to make money; that is understood; but how could we make money, how could we do things, only in the way of that we help the employees and the employers alone and serve them right. We can not work any business—no employment agency either—if you do not try to do the best for both sides. I would not get any laborers or workmen to my agency if I did not try my best for them. I am 17 years in this business line, and when I started to come in this I placed about, on the average, 170 to 270 a year. I am placing to-day about 6,000 to 10,000, and I only could do that because I tried my very, very best for them. They would not come to me if we would not have done so.

My agency in special does more for women, employing more women; and I want to state, so far as women are concerned, there is never need of employment. We always have three times as many applications for help as help; every woman what is willing to work and is honest and respectable, if she is under the age of 40, could get at any time work in the city of New York or outside of the city of New York.

Mr. LEISERSON. What kind of work, if you please?

Mr. WAHRBURG. Well, either domestic work or work in hotels or restaurants or work in factories.

Mr. LEISERSON. What would you say at the present time—that there is plenty of work for women in factories and hotels and restaurants?

Mr. WAHRBURG. I admit that at the present in factories there are not so many applications, but there are so many applications for domestic help in hotels and restaurants that we absolutely are unable to fill them. I charge not a single cent to the employees—the women. I give them the positions free of charge. The way I charge is only the employers, not the women.

Mr. LEISERSON. In what kind of business—in domestic?

Mr. WAHRBURG. Domestic or hotels or restaurants.

Mr. LEISERSON. Or factories?

Mr. WAHRBURG. Well, outside of factories, we do not charge them anything.

Mr. LEISERSON. Do you place any stenographers or clerks of that kind in positions?

Mr. WAHRBURG. No; I do not attend to that at all.

Mr. LEISERSON. You do not?

Mr. WAHRBURG. No, sir.

Mr. LEISERSON. You do not charge any women any fee at all?

Mr. WAHRBURG. No, sir; except the only fee we charge for women is for high-priced cooks for hotels, that earn from \$80 to \$170 a month and their board.

Mr. LEISENBERG. You charge them?

Mr. WAHRBURG. We charge them 10 per cent. At the same time I want to state this much; I want to contradict the gentleman who says before a party pays an agency six or eight or ten or twelve times a year the fees during the year. I do mean when a party has to change eight or ten times during a year that party does not want to work, because it is impossible that a person who is looking for work should not be able to stay in one of the 8 or 10 places for a length of time. We have to-day, so far as women are concerned, over 2,000 people; my agencies have over 2,000 people all longer than two years in working at the same place. So far as men is concerned, I want to state also that I should—I have during all the time of the year, all the time—I can not get as many men as I really need to work in boarding houses as porters or dish washers, or things of that kind—that kind of work that pays about from \$20 to \$25 and board.

Mr. LEISENBERG. You charge men fees, do you?

Mr. WAHRBURG. Oh, I do; only about very few of them. I do not charge the most of them, either.

Mr. LEISENBERG. Do you give your men employment and get most of the fees from your employers?

Mr. WAHRBURG. From the employers; yes, sir.

Mr. LEISENBERG. Would you say it would be a good thing that no agency should take fees from workmen, but should take it from employers?

Mr. WAHRBURG. I don't know.

Mr. LEISENBERG. Why not, if your business can be run that way?

Mr. WAHRBURG. I will tell you, too, I have found out that not charging fees in a certain way keeps the people out of employment.

Mr. LEISENBERG. Not charging them?

Mr. WAHRBURG. Yes, sir; not charging a fee in a certain way.

Mr. LEISENBERG. How, for instance?

Mr. WAHRBURG. I have found out that when a party came to an agency and paid her office fee down and they engaged a position, they took their word and went the next morning in the position; but if they did not pay any office fee they engaged about 20 positions and did not go in one.

Mr. LEISENBERG. Have you ever heard of agencies that do not charge registration fees at all? And they pick out the people, the people that actually want to go to work, from the applicants that come there? Do you think those agencies have any more difficulty than you have in getting the proper kind of people to go to work?

Mr. WAHRBURG. Well, I don't know that. That is pretty hard for me to answer this.

Mr. LEISENBERG. You are not acquainted with agencies that do not charge any registration?

Mr. WAHRBURG. My office in general don't charge it; in general, we charge about 5 per cent of the people what come to me—we charge office fee.

Mr. LEISENBERG. Do you find that the people whom you charge fees do stick to the job better than those that do not?

Mr. WAHRBURG. I do think so.

Mr. LEISENBERG. Do you find that as an actual fact?

Mr. WAHRBURG. At least, keep it much better.

Mr. LEISENBERG. Then why don't you think that kind of a system would be good?

Mr. WAHRBURG. I tell you, when I started my office, and had that done, I worked my office up in this way—it would be pretty difficult, and now, after being 17 years in that business, to change this. I have people coming to me for many years that take positions from me, and if I would start in now to change that, that would be quite difficult.

Mr. LEISENBERG. You stated that you made an effort to get the right people in the job; otherwise, you would not be able to build your business up?

Mr. WAHRBURG. Yes, sir.

Mr. LEISENBERG. If you by a system of fees can get better people than otherwise, then why don't you try to get the better people by having fees? Why didn't you in the past.

Mr. WAHRBURG. Well, I only got this experience after 17 years. I did not have the experience when I started.

Commissioner O'CONNELL. In collecting fees—you collect fees from some of the employees, don't you, if not all?

Mr. WAHRBURG. Very few.

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Commissioner O'CONNELL. Do you get these from all of the employers for all of the help you furnish?

Mr. WAHRBURG. Yes, sir.

Commissioner O'CONNELL. And you get fees from some employers and some employees for the same position—get double fees?

Mr. WAHRBURG. Not always.

Commissioner O'CONNELL. Sometimes?

Mr. WAHRBURG. Sometimes; yes, sir. As I stated, there is very few. I will tell you how it is. I have found out that most of the time that men what work 8 or 10 months in a position and even had saved about \$200 or \$250, they took a little rest, and they did not come to my agency again so long as anything was left of the \$250; and when they came again to look for a position I have asked them for a fee, and they have plainly stated, "Well, I haven't got it. Give me 10 cents car fare, so that I may be able to go for my clothes and bring my clothes to the office."

Commissioner O'CONNELL. What do you collect from the employer?

Mr. WAHRBURG. From the employers?

Commissioner O'CONNELL. Yes.

Mr. WAHRBURG. That is different. In private or hotels, for instance?

Mr. LEISERSON. How much?

Mr. WAHRBURG. We have a certain scale. We charge people what wants domestic \$3 up to \$20, \$1 to \$25, and \$5 above \$25.

Mr. LEISERSON. What do you charge for hotel and restaurant help?

Mr. WAHRBURG. \$2.

Mr. LEISERSON. Everybody?

Mr. WAHRBURG. Yes, sir.

Mr. LEISERSON. To the employers?

Mr. WAHRBURG. To the employers.

Mr. LEISERSON. And common laborers or men?

Mr. WAHRBURG. Well, my office in general don't do so very much work for laborers, but I know they charge, oh, from \$1 to \$3.

Mr. LEISERSON. You say that the only reason you have for saying that you would not have a law passed to prohibit an employment agency from charging fees to working people is because you can get better working people, or you get them to take the jobs, if you charge them fees. That is the only reason?

Mr. WAHRBURG. Well, there are some other reasons, too.

Mr. LEISERSON. Well, what other reasons are there?

Mr. WAHRBURG. You mean so far as the law—what I get—

Mr. LEISERSON. No; you stated that you charged working people no fees, hardly. That looks like a good idea. Perhaps with good laws passed that all employment agencies should do business the way you do, and now you say that is not a good idea, because you can not get as good people if you do not charge fees. Is that the only reason that you have?

Mr. WAHRBURG. There is other reasons, too. There are certain employers who will not pay any office fees.

Mr. LEISERSON. What do you do with them?

Mr. WAHRBURG. He can not get no help from me, but there are plenty of places where he will get it.

Mr. LEISERSON. There are employers what—

Mr. WAHRBURG. What will absolutely refuse to pay any office fees.

Mr. LEISERSON. Suppose no employment agency would be able to get his money from workingmen, he would have to charge them, wouldn't he? He would have to charge the employer?

Mr. WAHRBURG. Well, I don't know.

Mr. LEISERSON. Would you say that your experience in business proves that an employment agency can run a successful business without charging fees to workingmen, to working people?

Mr. WAHRBURG. I doubt it, for men.

Mr. LEISERSON. You do not charge any for men?

Mr. WAHRBURG. My business is very little in men.

Mr. LEISERSON. What proportion of the 16,000?

Mr. WAHRBURG. About 90 to 10.

Mr. LEISERSON. That is, you would place about—

Mr. WAHRBURG. About 90 to 95 females.

Mr. LEISERSON. Do you place 16,000 people every year? Did you last year?

Mr. WAHRBURG. No, sir; I said I worked it up to six or eight or ten thousand people.

Mr. LEISENBERG. You would say that 1,000 of those were men?

Mr. WAHRBURG. Well, not even that, I don't believe.

Mr. LEISENBERG. Have you received a copy of the proposed plan of the commission for a national system of labor exchanges?

Mr. WAHRBURG. Yes, sir.

Mr. LEISENBERG. I would like you to give your ideas in regard to the provisions that are made in that plan for regulating the business of the private agents; that is, for licensing them, and the rules, etc.

Mr. WAHRBURG. Well, I say if this law was passed, so far as employment agencies are concerned, it would be very hard for us, because—I don't know why—there are more laws for employment agents made than for anybody else. We are pretty good gulled now by special State law; we are under the commissioner of licenses; we are also under the commissioner of labor; and if this law would pass, we would be gulled by three different kinds of inspectors. We would be up, then probably one inspector would give us some kind of advice, the second inspector would give us just the opposite, and certainly we would get it in a third way. That would make it very hard for us. We are licensed already under the city, and we would get a second license. It could be that a man would lose one license, one license would be revoked, and the other license would not be revoked, so there would be a question if we would be able to go ahead with it, because he has still that one license, or if he can not.

Mr. LEISENBERG. That is the main objection that you have?

Mr. WAHRBURG. Oh, there is some other objections.

Mr. LEISENBERG. Well, now, just a moment. What do you think are the reasons that have led the State to regulate the private employment agency business more than any other business in the State?

Mr. WAHRBURG. Well, the reason for this is, I could tell you—we have a very big enemy, a very powerful enemy, because in opposition to us there is the press of the United States. The press of the United States itself is in this business. They would like to get the people to come to advertise; and we are, in fact, placing 90 per cent of the people. And the only chance—they would like to drive us out of the business very much, so they would do the advertisement.

Mr. LEISENBERG. You think that was the main reason that led to the regulation—

Mr. WAHRBURG (interrupting). Well, that is one of the reasons.

Mr. LEISENBERG. Do private employment agencies advertise in the newspapers extensively?

Mr. WAHRBURG. Very little.

Mr. LEISENBERG. Is that your experience?

Mr. WAHRBURG. Yes; very little; because the newspapers don't want to have our advertisements anyhow. They charge us about ten times as big a price as anybody else.

Mr. LEISENBERG. You state that as a matter of fact?

Mr. WAHRBURG. I don't know exactly ten times, but much more than anybody else. That is a matter of fact, very frequently. I could name papers that plainly refused to advertise, that did not care to take employment agencies, specifically, the Brooklyn Eagle.

Commissioner WALSH. That interferes, you think, with their advertising for help?

Mr. WAHRBURG. Well, they believe we take the advertising away from them. They take the belief that if there were no employment agencies, then these people would be forced to go to them and advertise there for help, and also the help to advertise for employment.

Mr. LEISENBERG. Have you any connection with other employment agencies, by which you fill jobs together; that is, if one has an order and the other will send men to fill them?

Mr. WAHRBURG. No; I have not; and that is also a reason what I do account of which I have an objection, in a certain way, to this law, because I do believe that that is an individual thing, how you do that business. Every agent, you see, has to have a class of customers, has to have different classes of employments what would call on them for help; and it takes years of practice, of hard work, to find out what kind of help certain employers need, and you hardly can get that through other agencies.

Mr. LEISENBERG. Can you state about how many private agencies there are in the city?

Mr. WAHRBURG. Well, there are, I believe, about 700 to 800.

Mr. LEISENSON. Are they all in your association?

Mr. WAHRBURG. No; they are not all in our organization. I wanted to say that much. There are a lot of theatrical agencies, also, included in this between 700 and 800; and their interests are not the same as ours.

Mr. LEISENSON. You stated that this employment-agency business is an ordinary business, just like any ordinary business. Don't you think that this business could be run better if it were a monopoly; that is, if there were only one agency which could get all the orders, so that there would not be any duplication?

Mr. WAHRBURG. Well, I doubt it. In fact, I am certain. Why? Because if the State takes this matter over, and I could assure you that this business is an awful hard business; I don't believe that any man who is working as an employee, and I could say that, for my own business employs about 10 to 12 people—they will not work with that interest for placing people as we do ourselves.

Mr. LEISENSON. Have you ever heard of State employment agencies that have been successfully managed?

Mr. WAHRBURG. Well, so far I have not heard. They are a failure, especially in this country.

Mr. LEISENSON. You never heard of any that were successful?

Mr. WAHRBURG. Very few of them, because I don't think—it happens to me, for instance, very often, that I am unable to take time to eat from 8 o'clock in the morning until 7 o'clock in the evening. I have absolutely no time for many, many days to take any lunch. I don't believe anybody will do that if he is not interested to work for himself.

Mr. LEISENSON. You merely think, then, as a matter of theory, that a State employment agent, being an employee, would not work so hard? You never were in one, were you? And saw whether they worked hard or not?

Mr. WAHRBURG. No.

Mr. LEISENSON. You never were in a State employment agency, were you?

Mr. WAHRBURG. No; I never was in a State employment agency.

Mr. LEISENSON. That is all I wanted to ask. When employment offices get an order from an employer, is the same order very often given to many employment agencies?

Mr. WAHRBURG. No.

Mr. LEISENSON. Not in your experience?

Mr. WAHRBURG. No. The same also with the employees. I wanted to mention this, that the gentleman has mentioned that a certain party would go to 30 or 40 agencies. I know the employees that come to me don't go around to 30 or 40 different agencies. They come to me for many years, and they don't go to any other agency. There is very little of them floats around—anything but undesirable people float around from one agency to another.

Mr. LEISENSON. Now, you are speaking now of women only; you do very little business with men?

Mr. WAHRBURG. Well, the most of them are women.

Mr. LEISENSON. That is, you are not in a position to speak authoritatively about men's employment agencies?

Mr. WAHRBURG. Well, I also speak for men employment agencies for restaurants or hotels or that kind of work. It might be different for labor which is to go outside of the State to some other States.

Mr. LEISENSON. Now, if you haven't any other thing you would like to say, we would like to have the president of your association.

Commissioner O'CONNELL. I want to ask you one question. You say you are president of one organization of employment agencies and treasurer of another?

Mr. WAHRBURG. Yes, sir.

Commissioner O'CONNELL. Please state what the difference is between the two.

Mr. WAHRBURG. None at all. We work together.

Commissioner O'CONNELL. Why were the two societies organized?

Mr. WAHRBURG. There used to be one on the east side and one on the west side, and they are still in existence, but they are working on the same line; and the best thing that shows that—I am an officer in both of them.

Chairman WALSH. What did you say your name was?

Mr. WAHRBURG. Richard G. Wahrburg.

Commissioner GARRETTSON. Now, you referred to the fact that there was more regulation of your business than of any other, and you offered us one reason the antagonism of the press. Has the press ever been able to regulate any business in which evils did not exist?

Mr. WAHRBURG. Well, I suppose in every business there are some evils. Commissioner GARRETSON. That is all.

Mr. WAHRBURG. I wanted to say one thing, too. I do believe there is one thing that could be improved in the law, so far as employment agencies go, that has never been so considered. I mean, in the city or State of New York anybody is able to get a license, and I would believe that it would be better if it would only be given to a citizen or to people that are many years in this country at least.

Commissioner O'CONNELL. Do you make any investigation if an employer wants men to be sent away by a railroad or a contractor or to any city—whether there is any trouble or a strike on?

Mr. WAHRBURG. Yes; we certainly do.

Commissioner O'CONNELL. What do you do in that case?

Mr. WAHRBURG. We have to give statements that there are no strikes.

Commissioner O'CONNELL. You tell the man when he comes in for employment, if he asks, that there is no strike?

Mr. WAHRBURG. Yes, sir.

Commissioner O'CONNELL. Do you ask him whether he is a union man or not?

Mr. WAHRBURG. No; not whether he is a union man.

Commissioner O'CONNELL. Do you ask him whether he belongs to a labor organization?

Mr. WAHRBURG. No; we do not.

Commissioner O'CONNELL. You do not ask him any question of the kind?

Mr. WAHRBURG. No; not that.

Mr. LEISERSON. That will be all. Thank you, Mr. Wahrburg.

TESTIMONY OF MR. CHARLES O'CONNOR IRWIN.

Mr. LEISERSON. Will you state whom you represent?

Mr. IRWIN. I am president of the United Employment Agents' Protective Association. I will have to question Mr. Wahrburg's position, because his association is obsolete, I believe. It did exist, but we thought we were together; but if he is running an association, we shall have to reprimand him at the next meeting. I did not know he was.

Chairman WALSH. And do you mean to say that the organization he says he represents does not exist?

Mr. IRWIN. Well, it is obsolete.

Chairman WALSH. Does not exist?

Mr. IRWIN. I don't think it has meetings now. We understood that we united, and united so as to strengthen ourselves, and for that purpose we united.

Chairman WALSH. Is that the organization that he says he is president of or treasurer of?

Mr. IRWIN. No; he is treasurer of our organization, and a magnificent treasurer, too. We'll trust him with anything. But I am only making myself clear, because, in any organization just at the present, and that is united—the meaning of the word “united,” I think, explains it—there ought to be only one, anyway, if there are two. If we are not united then I don't know what I am president of myself.

Mr. LEISERSON. Will you tell us the purpose and object of your organization?

Mr. IRWIN. Well, the purpose of our organization is for the betterment of our business, for the betterment of the unemployed, and for the betterment of the employers. We recognize, you know, as it has been said here by Mr. Wahrburg, that we have a very powerful enemy in the press; so we have. But I myself, personally have fought the press to a standstill. They connected us with every villainess, or tried to in the past. We were white slavers when white slavery was disturbing that city in 1910 or 1911; and Mr. Rockefeller gave \$25,000 to abolish white slavery and find out the promoters of it; but the employment agencies were yanked into this white-slavery agitation and also politically, and also by most estimable ladies who thought that these agencies were engaged in that business. So I took it upon myself to go around to all the agencies to discover the conditions, and to know what conditions existed. I knew it was not correct. Now, over on the east side, there was a man there by the name of Greenbaum, happened to be a member of our organization. This is one instance, gentlemen, that I would like you to bear in mind. On one occasion, when McClure's Magazine was writing up white slavery, an agent for, I presume, McClure's Magazine went over to the east side and called upon this employment agent, Mr. Green-

baum, and said to Mr. Greenbaum: "I would like to take a picture of your agency, a photograph." And Mr. Greenbaum says, "I have no time to have any pictures taken," and he says, "Well, please let me take it; I am a poor man and I would like to earn 25 cents." And he prevailed upon the good nature of Mr. Greenbaum to let him take a picture of his agency, and later that picture appeared in McClure's, but I want to say that before taking the picture he called in some of his aids, some young men from outside, and had them come in and take off their coats and look in the eyes of some of Mr. Greenbaum's help, and he fixed the picture up. Mr. Greenbaum has a case against McClure's Magazine Co., and he will recover. It was a disgraceful and mean and contemptible thing to do on the part of that magazine to take and publish this when there was no shadow of truth in it. Now, that is one incident. And recently the New York Press wrote up something about an agency and, being a married man and having grown daughters, and being very much interested in the nature of this thing, I did not want to ally myself with any such thing, and I went to this agency and found out the facts, and went to the representative of the press and showed him that it was not true; and he said that the statements made were not in connection with the employment agencies, but only the so-called employment agencies, and I have the press clipping here, and it is an abject apology, and it speaks of the licensed agents as being excellent and doing good work. But I had to null the lie first before I got that apology.

MR. LEISERSON. Will you tell us just what the purposes are of your association?

MR. IRWIN. We are assembled together for the purpose of reciprocity—that is, helping each other out in filling orders. Mr. Wahrburg's business—his help doesn't lie exactly in our lines, but a little different. I have myself exchanged orders with others. I am principally dealing in nurses and high-class nurses and orderlies and undergraduates, and so forth. Now, once in a while, as what I would call a sporadic case, there is now and then one trickles into my office, such as Mr. Blatchly has spoken of, down there, some gentlemanly hobo that he is trying to place. When they come into the office they change the atmosphere of the office—

Commissioner GARRETSON. Physically, or the mental atmosphere?

MR. IRWIN. The physical atmosphere; they permeate the atmosphere with an odor of—a very disagreeable odor; I don't like it myself.

MR. LEISERSON. How long have you been in the business?

MR. IRWIN. Twenty-eight years.

MR. LEISERSON. You say that the licensed employment agents ordinarily are square business men?

MR. IRWIN. We could not be anything else under the law. If they are not they are soon found out.

MR. LEISERSON. To whom did you refer when you said that the press, or the journalist, had stated were not square? Are there any unlicensed agencies?

MR. IRWIN. Yes. The city is permeated with them now, but it would take the commissioner to double or triple his staff to find them out; people receiving fees who are not licensed agents, churches, and charity organizations are doing it, and unquestionably it is being done in different forms and by different persons. We have church help. For instance, a lady, if I may be allowed to explain what I mean, is looking for a domestic, and will come to our church organization and say, "Do you know anyone whom you can recommend?" And the church will say, "Yes," or some one allied with the church. "Well, if I get a job do I have to pay any fee?" "Oh, no; just a donation to the church." Well, that is all right, of course; you can't stop that. But there are different other multifarious channels that I can myself enumerate. I have not myself made investigation, but I am stating from what I hear, and Mr. Blatchly's testimony was hearsay to a great extent. My testimony also will be hearsay; but from what I hear and what I believe to be true there is—at least there must be—a great many hundreds of dollars paid in that way through the cause of charity.

MR. LEISERSON. Pardon me. Aside from charitable and church organizations, are there people taking fees who are not licensed; I mean who are engaged privately in the business, aside from charitable and church organizations?

MR. IRWIN. Oh, yes, there are; yes.

MR. LEISERSON. Do you think that is due to their inefficiency or lack of proper help in the commissioner's office?

MR. IRWIN. No; nothing of the kind. It is impossible for the commissioner to find it out; impossible for any commissioner to find it out. The commissioner can't find it out—

Mr. LEISENBERG. You say these people, then, who are operating that way are crooked?

Mr. IRWIN. They are committing a misdemeanor. If it could be proved that they were taking a fee from help or employers without a license, it is a misdemeanor under the law.

Mr. LEISENBERG. And when the commissioner finds them they are licensed?

Mr. IRWIN. When the commissioner finds them, sometimes; yes. That is, he licenses them; that is all right; but they have been sent to jail. I believe the records will show that and the commissioners will substantiate it. There are two commissioners here, one for whom I have great respect for, and I hope I share it with him; but they will tell you there are many instances of that kind. It is a misdemeanor to take fees in that way without a license. You see, gentlemen, the agencies are most rigorously inspected. No such condition as Mr. Blatchly stated can arise; but Mr. Blatchly did not know. What he stated was principally from hearsay. That is one of the chances, that if an agent induces by any means or otherwise any help, female or male, to leave their employment, that is a matter for revocation of their license. It is distinctly against the employment-agency law; and that is what we are united for, to have each one of our members understand that law and live up to it. The agent that sends a domestic or an employee to a place, that employee is a fixture there; that agent knows, if he has any sense at all—and we will assume that they all have pretty good sense—that that is a standing advertisement for that agency. What good does it do an agent to send a man or woman to a place and have them stay there only a month and leave? Why, that employer would only go elsewhere after that.

Mr. LEISENBERG. Why that suspicion on that point, Mr. Irwin? Have you ever heard it said that the foreman on a job to which the agent sends men is connected with the agent, and that he wants the men changed every month, because he gets a division of the fee?

Mr. IRWIN. Very often charges of that kind are made, and I have heard it. Where these charges are brought home the agent, I am sure, would be most rigorously dealt with, because it is nothing but taking money under false pretenses under the employee.

Mr. LEISENBERG. Have you ever expelled members from your association for misdoing?

Mr. IRWIN. We asked one man to resign, and he did resign, but not for that cause. No; we have no evidence of anything of that kind.

Mr. LEISENBERG. You have never, then, had occasion to discipline any of your members?

Mr. IRWIN. Never been compelled to discipline any.

Mr. LEISENBERG. You think that that is pretty good evidence that there is no abuse of that kind among the licensed employment agencies?

Mr. IRWIN. Unquestionably, no; but there are abuses, or rather differences, that happen to come up among these employment agencies, such as with reference to the return of fees. Some of the agencies think that they ought to be up in algebra so as to get three-fifths or two-thirds, and sometimes they are questioned where there is a difference, and the conditions are such that it would take a Philadelphia lawyer to interpret the law. And I have been asked myself—and I am always called up on the phone, frequently—I am not a paid officer, but it is an honorary position, and I am called up, I should imagine, 10 or 15 times a day, and I don't know that I am getting a great deal of honor out of it, but I have been called up by lawyers asking me to explain what this person was entitled to, etc.; and I have been giving expert testimony as regards the value of services, and all these questions that come up to me about what the applicant would be entitled to and what the employer would be entitled to. Now, I obey the law, if there is a law there, I obey it, and we all obey the law. We have got to obey the law—

Mr. LEISENBERG. (Interrupting). Well, possibly you are just the same as the license commissioner; you can catch all those who are operating without a license, and that is one place where the law is violated. Now, is it possible to catch all the violations of the law where the people actually are licensed?

Mr. IRWIN. On complaints, most unquestionably.

Mr. LEISENBERG. On complaints?

Mr. IRWIN. Yes; that is another purpose of our organization. I have myself received—people have come to me and asked me, "Sam, I did so-and-so, so-and-so." And I read the law and interpret the law to them, and now I says, "If you doubt it, go down to the commissioner of licenses." If any one

came down to me and made a demand, I only send them down to the commissioner. There is only one instance where I have broken that record, and that is no personal disparagement, but on this occasion I was discharged with honor—the complaint was discharged with honor to me, and I was told that I went to a great deal of trouble to get the applicant employment. I purchased his ticket and telephoned out and arranged that he should go to the gentleman's place in the country, and he got into trouble, and I told him I would pay his fare, and the fare happened to be more than the fee, and I got him fixed up and he promised to go out, but instead of going to the place he went down to the commissioner to get the dollar back. The gentleman who wanted him had to go 3 miles, I think, and I asked him to send him back to me, for heaven's sake, when he comes there. But he was not there, and I had lost my customer.

MR. LEISERSON. But, Mr. Irwin, what would you think of the idea of passing a law to compel all agencies to do all their business on the basis of not collecting fees from the men, but collecting them from the employer?

MR. IRWIN. That law would, in some respects, be a good thing for the saloon keepers; it would help the saloon keepers greatly, and as far as the male help is concerned, the man who would come into such an agency and apply would be, in 90 per cent of the cases, the kind that Mr. Blatchly described—

MR. LEISERSON. Why would it help the saloon keeper?

MR. IRWIN. Because the money that they would pay the agent would otherwise go to the saloon keeper, or rather the money that the agent would not get would go to the saloon keeper.

MR. LEISERSON. That is to say, the people that patronize these places.

MR. IRWIN. The kind that Mr. Blatchly was speaking of?

MR. LEISERSON. Oh, no; I am speaking about employment agencies.

MR. IRWIN. Oh, no; no, no; far from it. Any one can walk into an employment agency. There is no law that will prevent that. No; you must remember that the agent is responsible for the help that he sends. I would not send a drinking man to a place, and I don't think, if I know him to be—

MR. LEISERSON (interrupting). I am asking one question. I asked you whether we should pass a law prohibiting you or Mr. Wahrburg or anybody engaged in the employment-agency business from taking a fee from anybody who applied for employment, and you stated that it would not be of any advantage to the applicant.

MR. IRWIN. Yes; I state that, unquestionably.

MR. LEISERSON. I would like to know what you think about that.

MR. IRWIN. Well, so far as my knowledge is concerned, it certainly would not tend to keep an employee in a place. Mr. Wahrburg does business on his own system. He does business on a very excellent system, if he can make it pay. He finds that a great many of the help engaging in one place or in two places—I will explain. If one of you gentlemen would come to my office, or say a gentleman comes to my office from Rochester to get help, or to engage help, say, two domestics; and he comes all the way for that purpose and to help pay the fees and in complying with the law get his receipt, and I sign my name, and I have an acceptance from this employee, saying, "I have accepted this position," and he is to go the next day. The applicant for it returns to his home, and the help turns around and says, "I am not going there, I have changed my mind." That would happen in 19 cases out of 20, if that fee that he has to pay was eliminated. It would be impossible to conduct an employment agency on such a basis. The employment agency would have to go out of business.

MR. LEISERSON. Mr. Wahrburg hasn't that experience.

MR. IRWIN. Oh, everybody has his own way. A great many ways that agents have of conducting their business. There are a great many agents that do not take anything whatever from the employer, but take it all from the help. Now, the conditions are reversed here—

MR. LEISERSON (interrupting). That is what we want to know, whether it would not be possible to run the business without charging fees—

MR. IRWIN. It would—under different conditions, yes; but I say, take the hotel people; the hotels do not pay anything for their help—

MR. LEISERSON (interrupting). Well, just one other question, Mr. Irwin. Do you think a man ought to be made to pay to be given work?

MR. IRWIN. If the agent has to pay his license to the city, and the city has a law on the statute book allowing him to give his services for such a purpose, why, certainly, yes—

MR. LEISERSON (interrupting). Well, but—

Mr. IRWIN (interrupting). Well, pardon me, I was going to say, just as much as the State or the Nation have a right to pay an employee in a large central bureau, and the public is paying them for the purpose of finding them employment. I think the employment agent is just as much entitled to it. The agent is running his business to get his living out of it. He is giving it all of his time and all of his attention and all of his brains, if he has brains, and doing his best to make a living out of the business, and doing his best to do right. He knows the needs of his employers, and now the Nation, if you make it a national law, would have the employee—why, men come there, men who get all the way from \$3,000 salary down. What you gentlemen want to bear in mind is that we don't want any more employment bureaus, nor any central bureaus. What we want is employment. You ought to create employment. When you do that you will have accomplished something. If you will create employment and open up these fertile fields all over the country and send these Weary Willies, these men that come in without any clothes to their back, or hardly sufficient clothes, and try to get them out of town, and make them work and compel them to work, and make it a misdemeanor to be out of employment, then you will know that you have accomplished something. Sixty per cent of the applicants that come to the average bureau are alcoholics. The saloons of New York City get \$12,000,000 a year. They pay that for licenses.

Mr. LEISERSON. Well, 60 per cent of the applicants that come to your agency?

Mr. IRWIN. I think so; yes.

Mr. LEISERSON. Are alcoholics?

Mr. IRWIN. Yes; but that 60 per cent are the class that the agents can not place, and don't place. I have placed an unfortunate drinking man at some times, but I am a pretty good judge of human nature; and it is my business, and it has taught me psychology; and I can tell a drinking man. And if he wants help, I help him with money out of my pocket, and I have put shoes on them and clothes on their backs in the past, but I have found it is no good, and found that it is in reality a misfortune for him; and I have found that the man that had any sense it tends to drive him more and more into the hobo class. A decent, respectable man does not want it—

Chairman WALSH (interrupting). Just what was the question?

Mr. LEISERSON. We just wanted to know from you, or get a statement, as to whether you thought that was a proper policy for the people of this State or this country to have the working people pay for the service of the employment agent or to have the employer pay—

Chairman WALSH (interrupting). I take it now he has answered that question very fully.

Mr. IRWIN. Yes; because—

Chairman WALSH (interrupting). Do you think that they should be permitted to charge?

Mr. IRWIN. I know that; yes, sir. An employee, if he is a respectable, decent man, don't want charity. They don't want to demean themselves. I predict that if you were to open up a dozen free agencies you would not get respectable, decent, self-respecting men to patronize them.

Chairman WALSH. So you don't favor that?

Mr. IRWIN. No; I don't, and I could not. Now, another thing, I want to state that they opened a bureau—the city opened a bureau on Twenty-eighth Street some time ago. You know it was something awful. It was a good thing for the agent, because we were able to send the hoboes up there, and we were very pleased. We would send them up there to that bureau—these cases of the Weary Willies and the down and outs and those cases that would not work if they could work and could get work were all sent there by the agents—

Mr. LEISERSON. Mr. Irwin, if you will leave that clipping that you have here we will return it, and that will be all.

Mr. IRWIN. I would like to state about Mr. Blatchly and I. I have never seen him before, but he knows me through letters. I would like to state just this one statement, and that is; I have been able to place occasionally applicants that Mr. Blatchly sent me. I have done my best. I have collected fares that Mr. Blatchly has paid when I have lost my own commission, and I have collected money for clothes that Mr. Blatchly has given to some of the men. Now and then I get an order for kitchen help in the country. In fact, he had only one shirt, and he has got to go to bed while getting that washed, for he hadn't another shirt to put on, and the charity organization furnished it,

and it was only the other day I was able to give Mr. Blatchly \$1.20 for clothes he had furnished to a man at Mr. Blatchly's request, and was very glad to do it because he might give this—he could use this \$1.20 to buy some clothes for the next applicant, but I have not yet got my own fees. And it is only my desire to do the best for the applicants that come to me occasionally.

Commissioner O'CONNELL. The agency collecting fees, the general proceeding. You say that in some instances the men pay money and also the employers?

Mr. IRWIN. Oh, yes.

Commissioner O'CONNELL. Collect fees on both sides?

Mr. IRWIN. Yes. The law permits the agent to take 10 per cent for unsettled labor on a month's wages, and 10 per cent if you are engaged for the week, as stated here.

Commissioner O'CONNELL. Both sides?

Mr. IRWIN. There is no limit of the fee as to the employer, only as to the employee.

Commissioner O'CONNELL. What guarantee has the man, when you take \$2 from him, say, for a job, and he goes for the job and there is no job there?

Mr. IRWIN. A good remedy. The man comes back; comes to the agent and says, no job there, I want my railroad fare both ways. Certainly he has got to give it back, and if he does not give it back the commissioner of licenses has that agent down to him, and for his remedy the railroad fare is returned and the man's time is returned. I know an instance of that in my own organization. A man got a fake order some time ago from Lakewood for a domestic. There was no such order there. The man paid \$7 and remained, stayed with friends there two days, and charged the agent two days' time and two days' board, and the agent had to pay it. The commissioner as a rule always—and rightly so, I think—leans toward the applicant for employment. The reason has been asked here, if you pardon me, was asked why; what was the purpose or why the commissioner's office was supported. I will tell you now if you permit me.

Chairman WATSON. Well, we are trying to make a record, and you have answered the question, to which both sides excepted.

Commissioner O'CONNELL. As I understand your position, you don't think it would be a good thing for the Government, or the States or the Government, to assume the entire question of operating employment offices, to the discontinuance of all kinds and factions of employment offices, and that the expense of furnishing employment would be thrown upon the whole people?

Mr. IRWIN. I don't believe so. I think the city has the matter fairly well in hand. No; I don't think it is possible to better the laws regulating employment agencies as it at present exists on the statute books, and I don't think the National Government can improve on that at all, so far as the law now governing employment agencies. I think they have it fairly in hand, and the help and employees are satisfied with the conditions and the law, which is very fair to them.

Commissioner GARRETSON. Mr. Irwin, you said that Mr. Wahrburg's system was excellent, if he can make it pay.

Mr. IRWIN. Yes.

Commissioner GARRETSON. In your opinion, would any system be excellent if he could not make it pay?

Mr. IRWIN. If you go into any business for a living and don't make it pay the system is not excellent.

Commissioner GARRETSON. Leave the question of living out.

Mr. IRWIN. I beg your pardon.

Commissioner GARRETSON. Leave the question of living out. A system could be excellent even if it did not pay, couldn't it—excellent for the employer and the employee?

Mr. IRWIN. It would be excellent if the person running the system—if he was paid by somebody. If a man had a million dollars and wanted to spend it, his system of giving away that million dollars for the use of unemployed may be considered excellent or not.

Commissioner GARRETSON. Leave the individual out. A system could secure the result that is desired and in a sense be excellent, without profit, couldn't it?

Mr. IRWIN. In connection with this question here? In connection with the unemployed? Is it in connection with this question here when you speak of system?

Commissioner GARRETSON. A system that will connect a man out of work with a job may be excellent even if it did not yield some outsider a profit. Or could it?

Mr. IRWIN. I assume so. No endeavor is in vain, of course, in that line; but in the past such experiences have taught that when the State opened the bureau, and other bureaus, they were utter failures and were only patronized, indeed, by the undesirables, it seems to me.

Commissioner GARRETSON. Have all stayed efforts along this line?

Mr. IRWIN. No; I don't think so.

Commissioner GARRETSON. There is no evidence that other governmental agencies might necessarily be failures?

Mr. IRWIN. No. I think so far as the unemployed, a certain class of the unemployed—you must remember, gentlemen, that the domestic help, there is a congestion there, and for every order I get, every hundred orders I get for domestics, I can fill about 5 per cent; so there is no such thing, never was, a scarcity of domestic help. So you eliminate all of that. But for the unskilled labor—yes; the State might try to open up a fertile field for labor, for the unskilled labor and for the class who are habitués of alcoholics, etc.; they might try that. They might give them the gold treatment and put them on farms and keep them there until they get out of the habit of indulging in strong drinks.

Commissioner GARRETSON. Well, I understood you to make the statement that what the commission ought to do was to create more employment.

Mr. IRWIN. Yes; certainly.

Commissioner GARRETSON. Well, then, a remedy for all business depression would be to create a market.

Mr. IRWIN. Yes.

Commissioner GARRETSON. If a Government commission could create jobs, it would be evidently just as easy to create a market, wouldn't it, by Government commission?

Mr. IRWIN. You mean so far as—a market so far as business is concerned?

Commissioner GARRETSON. You don't look on a remedy then as the devising of a method whereby the man who wants work in a locality where there is no work could be connected with an employer in a region who had work and did not have employees?

Mr. IRWIN. I think that plan would be excellent. I think if you had such an office here in New York for the unemployed the men who could not get work and wanted work. Whether it was desirable or not it would be a good thing to do, ship him off, each agent to—no agent can do very much at his expense, no private agency—but ship him off to some part of the country where work existed, provided—

Commissioner GARRETSON (interrupting). Then right there, can any agency except a governmental agency perform that service properly?

Mr. IRWIN. No; not without doing the work gratis, certainly not. It would be utterly impossible. It would be utterly impossible.

Commissioner GARRETSON. You spoke of the inability of the commissioner's office to get track of these people who were infringing the law. Isn't one of the missions of your organization to detect and report people doing that business?

Mr. IRWIN. Yes.

Chairman WALSH. I thought so.

Mr. IRWIN. Let me answer that question.

Chairman WALSH. You did answer it.

Mr. IRWIN. I mean this here. You must remember that these people have, as said before, the church and the donation people cover them so well up it is impossible to reach them.

Commissioner GARRETSON. Has your association, referring to the statements that you said that you had heard of this connection between the gang boss and the employing agent, has your association ever gone into exhaustive investigation? Bear in mind that is a matter of common report.

Mr. IRWIN. Yes, sir.

Commissioner GARRETSON. Have you ever taken up a full investigation of that question?

Mr. IRWIN. You know there were shipping labor agents; we have not very many labor organizations in our association. Our association, we are all busy men, trying to earn our living, and we do not think it fair to expect us to go

out and to do the work of the commissioner's office. That would not be right, because they have got plenty of inspectors to find out those conditions. Then we have the Emigration Industrial Union; the agents are also under that.

Chairman WALSH. Let us cur this down if we can.

Mr. IRWIN. Yes, sir.

Chairman WALSH. You know of no systematic effort or investigation of this question of collusion between the employment agents and the gang boss, if any?

Mr. IRWIN. I assume the commissioners' office are to look after that.

Chairman WALSH. Your organization has not?

Mr. IRWIN. No, sir; we can not do it.

Chairman WALSH. That is all we asked. Now, Mr. Ballard—

Commissioner BALLARD. Do you allow any members of your association to have in connection with your office a saloon?

Mr. IRWIN. No, sir; we can not have a license over a saloon. If we had, we would lose it in 25 minutes. We are not allowed to open over a saloon.

Commissioner BALLARD. Or in a saloon?

Mr. IRWIN. That would be considerably worse.

Commissioner BALLARD. Yes. If as president of your association, having most of the employment agencies in the association, if any employment agency is guilty of any practice which is either illegal or not considered by your association to be right and proper, would you expel them from your association?

Mr. IRWIN. We would. That is one of our by-laws, to prosecute agencies for violation of law.

Commissioner O'CONNELL. Does your association publish an annual report of any kind showing the number of people in positions, or costs, and all that?

Mr. IRWIN. No, sir.

Commissioner O'CONNELL. Do you have to make a report to the State in any way?

Mr. IRWIN. No, sir; but our votes will show it. The commissioner of license office, they publish an annual report, whether they give the statistics—

Commissioner O'CONNELL. I mean does each individual employment agency have to report to the State in any way?

Mr. IRWIN. To the city.

Commissioner O'CONNELL. To the city?

Mr. IRWIN. On the number of places procured, the amount of fees paid. Those books are examined bimonthly by an inspector who carefully goes over them.

Commissioner O'CONNELL. Then the information is in the department of the city in that matter?

Mr. IRWIN. In the department of the city. Then we have the immigration people after us also, and I may say in respect to this, there is a great deal of waste time and money there.

Chairman WALSH. We do not care to go into that.

I have been asked to ask you one other question. Before the passage of the law prohibiting the running of employment agencies in connection with saloons, or adjacent to them, were there not agencies so operated?

Mr. IRWIN. There were employment agencies operated in all nefarious manners. We couldn't exist without the present law being on the statute books.

Chairman WALSH. Your answer is yes?

Mr. IRWIN. Most emphatically.

Commissioner LENNON. I understand that, in your business, you had to do with the furnishing of nurses?

Mr. IRWIN. Yes; principally.

Commissioner LENNON. What precaution do you take, if a nurse is called for, to ascertain that she is not to be used somewhere that the illegal or immoral use of the nurse is to be had?

Mr. IRWIN. Why, I know my patrons as well as I know my own family. If a doctor—

Commissioner LENNON. Suppose a stranger comes to you?

Mr. IRWIN. A stranger?

Commissioner LENNON. Yes. Who wants a nurse.

Mr. IRWIN. One stranger did come to me and he spent six months on the island, because I suspected him, and I put him six months on the island. You do not think, sir, I spent 28 years in this business without knowing the ulterior motive of people or without finding them out. My principal patrons are doctors running sanitariums, hospitals, where I send graduate and under-graduate nurses. If I send a nurse to a private family, I know the address

and the location. I see the person in my office before me, and I can easily use my judgment, and I have never, I am sure, made any mistake, because the nurse, I know that about all there is, she would come back to tell me something had happened so quickly that the employer would not know what happened. That condition is utterly impossible. It is impossible on my part, except in one case, a man came to me, and I sent him to the island for six months.

Commissioner LENNON. I suppose you are aware that this feature is criticized?

Mr. IRWIN. By the press; yes, sir. And that is what I fought, and that is why the editors have apologized. There is no agency that will send to the house of ill fame—

Commissioner LENNON. I don't mean house of ill fame. There are private houses where they go sometimes.

Mr. IRWIN. Let me tell you, the last question, the man having that ulterior motive in view, the last person he would go to would be an employment agency. He would advertise. He knows what would happen if he came to an employment agency; and there is no prisoner ever went through Sing Sing who had a better record of him than is taken in the employment agency. He knows it means trouble for him. I have records there that indicate how the work is to be done by certain classes of employees that leave my office.

Chairman WALSH. You are getting away from the question the commissioner asked you. Was there anything else?

Commissioner LENNON. No.

Chairman WALSH. Have you any other question, Mr. Leiserson?

Mr. LEISENBERG. One question.

Chairman WALSH. I beg your pardon.

Mr. LEISENBERG. Do you consider it an evil to have churches and other philanthropic organizations get help for the people?

Mr. IRWIN. Do I consider it an evil?

Mr. LEISENBERG. Yes; you spoke—

Mr. IRWIN. No, sir; I do not consider it an evil to have any church get anyone employment, but I think that, of course, if any organization of that kind secures employment and then asks a donation for securing the employment and for that specific purpose, it is going mighty near breaking the employment-agency law. That is all.

Mr. LEISENBERG. That is all.

Chairman WALSH. That is all.

Mr. LEISENBERG. I will call Mrs. Marion K. Clark, chief investigator of the bureau of Industries and Immigration.

TESTIMONY OF MRS. MARION K. CLARK.

Mr. LEISENBERG. Mrs. Clark, will you state your name and your official position?

Mrs. CLARK. Mrs. Marion K. Clark, chief investigator of the bureau of Industries and Immigration.

Mr. LEISENBERG. How long have you been connected with it?

Mrs. CLARK. Since February 16.

Mr. LEISENBERG. Of this year?

Mrs. CLARK. Of this year.

Mr. LEISENBERG. What was your previous experience along this line of work?

Mrs. CLARK. I have held no active position in this line of work. I have investigated the subject of Immigration for a number of years. I have devoted my work to the investigation of the subject of Immigration and sociality.

Mr. LEISENBERG. As volunteer, or in connection with any bureau?

Mrs. CLARK. Simply as a volunteer.

Mr. LEISENBERG. Have you with you any of the records of complaints that were made to your bureau against private employment agencies?

Mrs. CLARK. A number of complaints; we have a number of complaints.

Mr. LEISENBERG. Will you tell us briefly just the character of the abuses of private employment agencies that are complained of?

Mrs. CLARK. Of course, you understand that we have no jurisdiction whatever. We refer.

Mr. LEISENBERG. Will you state just what jurisdiction you have?

Mrs. CLARK. We have no jurisdiction except to investigate the complaint and then to refer it to the commissioner of licenses. We also, under the law, are

obliged to investigate the records of the private employment bureaus to the extent of ascertaining the country of birth and the length of residence in this country of the alien applicant. We have found that that has caused a duplication of work with the bureau of licenses and, consequently, through an agreement with Commissioner Bell, we have decided to accept his report on that. Consequently that eliminates that much of the work from our bureau.

Most of the complaints are in reference to misrepresentation, excessive fees before employment has been obtained, and the fact that there is no employment after the fee has been collected, and the applicant has been sent in search of the work.

Mr. LEISENBERG. Will you give us an example of the misrepresentation? What is the character of it?

Mrs. CLARK. The misrepresentation of the character of the work to be performed. The fees accepted for a definite sort of work, and when the applicant arrives at his place of destination he finds that either that work is for a limited period or that it is a different sort of work from which he has been accustomed.

Mr. LEISENBERG. Different from what he has been told?

Mrs. CLARK. Yes, sir.

Mr. LEISENBERG. Have you investigated to verify those complaints?

Mrs. CLARK. We have verified very largely; yes.

Mr. LEISENBERG. Have you found them correct complaints? Or have you found them untrue?

Mrs. CLARK. In a great many cases we have found them true, and have then referred them to the commission.

Mr. LEISENBERG. What has the commissioner of licenses done in those cases? Does he prosecute?

Mrs. CLARK. Yes. He has absolute jurisdiction.

Mr. LEISENBERG. One kind of abuse, then, was misrepresentation as to the character of the work. The second, you said, was extortionate fee. Will you give us an example of that kind of abuse?

Mrs. CLARK. Men come to our office complaining that they have been charged anywhere from \$3 to \$7.

Mr. LEISENBERG. Is there any law in the State limiting the fee?

Mrs. CLARK. Not that I know of.

Mr. LEISENBERG. What do you do in cases of that kind?

Mrs. CLARK. At the present we refer them to the bureau of licenses. It had been the custom to take an affidavit from the complainant and to investigate his claim, but we find that in doing that we are not facilitating the work of the bureau of licenses at all, because they prefer to take their own affidavit; so at present any cases or any complaints that come to our office we refer to the commissioner of licenses.

Mr. LEISENBERG. Have you had many complaints where the amount of the fee was from \$3 to \$7?

Mrs. CLARK. Yes.

Mr. LEISENBERG. Have you verified those complaints?

Mrs. CLARK. Yes, sir; and we have had reports that the fees in many cases have been returned.

Mr. LEISENBERG. Have been returned?

Mrs. CLARK. Yes.

Mr. LEISENBERG. That is where you had verified them?

Mrs. CLARK. Yes, sir.

Mr. LEISENBERG. How could you get them returned if there was no law compelling them to charge a smaller fee?

Mrs. CLARK. The commissioner of licenses has absolute jurisdiction in that matter.

Mr. LEISENBERG. You don't know as to how he has any way of judging what is a reasonable fee?

Mrs. CLARK. The commissioner of licenses?

Mr. LEISENBERG. Yes.

Mrs. CLARK. No, sir; I really do not.

Mr. LEISENBERG. What do you consider a reasonable fee for those commissions that you speak of?

Mrs. CLARK. I don't think I would be competent to answer that question.

Mr. LEISENBERG. How do you decide whether the man has a complaint that you want to investigate, when he comes to you and says he has paid an extortionate fee of from, say, \$3 to \$7, what makes you decide that you want to investigate that?

Mrs. CLARK. The fact that the man has paid anything and has received no return for it.

Mr. LEISERSON. I am speaking of cases where he has received a position. You would not investigate cases of that kind?

CHAIRMAN WALSH. One minute at this point. The commission will stand adjourned until 2 o'clock. We will reconvene promptly at 2 o'clock.

(At 12.45 p. m. a recess was taken until 2 p. m.)

AFTERNOON SESSION—2 P. M.

TESTIMONY OF MRS. MARION K. CLARK—Continued.

Chairman WALSH. Will you please indicate whom Mrs. Clark represents?

Mrs. CLARK. Chief investigator for the bureau of industries and immigration of the Department of Labor of New York State.

Mr. LEISERSON. Now, Mrs. Clark, we stopped at the point—

Commissioner O'CONNELL. Will you state what the purpose of that department is?

Mr. LEISERSON. I think Mrs. Clark can tell you best what the purpose is. Will you please state the purpose of the bureau of industries and immigration?

Mrs. CLARK. To prevent the exploitation of the alien in this State. To facilitate in the assimilation and naturalization and the education of the alien.

Mr. LEISERSON. We stopped at the point when you were telling of the abuses of private agencies as they were revealed to you in complaints to your department. Will you tell us of the third kind of abuse; that is, when people were sent out to places, and where there was no employment. Will you give us some definite examples of that kind of abuse?

Mrs. CLARK. We have had complaints in the bureau, where immigrants have been sent by employment agencies, as far from New York as Michigan. On their arrival they discovered that a strike was in process, and it was not possible for them to work there. They had been sent there with the understanding that their transportation would be paid by the agent, and that they would be obliged to work a certain length of time to repay that expenditure; and being stranded there, they have found that it was impossible for them to work, and that there was absolutely no means of transportation back to New York; consequently they were in a very distressing situation.

Mr. LEISERSON. Did you investigate that?

Mrs. CLARK. Yes; we have investigated it. There are a number of cases.

Mr. LEISERSON. Of that kind?

Mrs. CLARK. Yes.

Mr. LEISERSON. Did you find that the men were not told there was a strike on at the place to which they were sent?

Mrs. CLARK. Yes; they were not told.

Mr. LEISERSON. They were not told at all?

Mrs. CLARK. No.

Mr. LEISERSON. How did the complaint reach you? Did the men come back?

Mrs. CLARK. Yes; some of them drifted back—worked their way back.

Mr. LEISERSON. What did you do in a case like that? Refer it to the commissioner of licenses?

Mrs. CLARK. Yes; referred it to the commissioner of licenses. That is all we can do. We have no jurisdiction.

Mr. LEISERSON. Have you any idea as to the frequency with which such things happen among employment agents? Have you many complaints of that kind?

Mrs. CLARK. I could not give you any definite number. There are a number of cases on file in the bureau. If you would read a report on the subject, I would be very glad to submit it to you.

Mr. LEISERSON. Yes; we should like that.

Chairman WALSH. What is that which you say you have a manuscript of—that you could furnish?

Mrs. CLARK. I should be very glad to submit a report. I can not tell off-hand the number of cases.

Mr. LEISERSON. In the majority of cases, where the men were sent out to work—cases of strikes—where they were not told there were strikes.

Chairman WALSH. I would like to ascertain, for the benefit of the commission, what mechanical means have we now of following things such as this? Who is looking after that?

Mr. LEISENBERG. I am looking after that.

Chairman WALSH. All right.

Mr. LEISENBERG. Have you any cases where the men were sent to places where there was no employment whatever?

Mrs. CLARK. The majority of the complaints have been just such cases.

Mr. LEISENBERG. And about how many complaints would you say that you would get in a year?

Mrs. CLARK. From October 1 to May 15, I had a record of 156 cases.

Mr. LEISENBERG. And in the majority of those cases you would say that they were cases where there was no employment, but the men were sent to work and fees were collected?

Mrs. CLARK. Where the fee was collected in advance and the work was misrepresented; either there was no work or it was a different sort of work than they--than was represented to the applicant.

Mr. LEISENBERG. We have a system of regulating those private agencies in this State. You have the commissioner of licenses. Now, do you think it is due to inefficiency in that office, or what other reasons are there that make those abuses go on despite the fact that there are regulations?

Mrs. CLARK. I would not like to criticize the office of the commissioner.

Mr. LEISENBERG. Can you give us the reason why such a thing should happen under proper regulations.

Mrs. CLARK. That might happen in spite of the investigation of the commissioner of licenses.

Mr. LEISENBERG. Put it this way: Do you think, under the present system of regulating private agencies, that it would be possible to do away with these abuses that you have mentioned?

Mrs. CLARK. Not absolutely.

Mr. LEISENBERG. You think that the abuses will always exist as long as the employment agencies remain in private hands?

Mrs. CLARK. That would be my opinion.

Mr. LEISENBERG. Have you had any occasion to investigate philanthropic agencies?

Mrs. CLARK. We investigate all of the philanthropic employment agencies, or rather, the philanthropic institutions dealing with aliens in this State.

Mr. LEISENBERG. Have you found any abuses in so far as these were employment agencies in that business?

Mrs. CLARK. Not any that would be worthy of mention.

Chairman WALSH. I wish you would speak a little bit louder, please.

Mrs. CLARK. I beg your pardon. There might be an isolated instance, but it would not be worthy of mention. We make a monthly inspection of all of the philanthropic institutions dealing with aliens, and we cover their financial situation and the manner of distribution of the aliens and of the funds. So that I should say that it would be almost impossible for any very great abuses to exist among these institutions.

Mr. LEISENBERG. Without your knowing it?

Mrs. CLARK. Yes.

Mr. LEISENBERG. Have you any other abuses in mind of the private employment agency business that you have not spoken of?

Mrs. CLARK. Immigrants are sent out of town by employment agencies after having collected a fee and have found that there was no work at the point of destination, find themselves in exactly the same condition as I described in connection with the strike breaking. That same condition exists in the city. Fees are collected in advance and no wages provided.

Mr. LEISENBERG. Within the city?

Mrs. CLARK. The consequence is that the applicant is kept continually between some place where no work exists and the employment agencies until they are worn out and have to apply for assistance to our bureau.

Mr. LEISENBERG. Your department has recommended in its reports to the commissioner of labor several times the establishment of State free-employment offices. Will you give us the reasons for that recommendation?

Mrs. CLARK. I haven't made any recommendation of that sort since I have been in the bureau, but my predecessor, Miss Kettor, has been very much interested in that. I know that Commissioner Lynch is an advocate of a State employment bureau, and I believe it is in process of organization now.

Mr. LEISENBERG. Do you think that, from the experience that you have had in this business, State employment agencies are desirable; and if so, why?

Mrs. CLARK. I think there is no question whatever that a State employment agency is desirable, and I think it is the only means by which we can abolish the abuses that will exist.

Mr. LEISERSON. Would you recommend abolishing the private employment agencies entirely by law?

Mrs. CLARK. No; I would not care to recommend anything of that sort.

Mr. LEISERSON. Why not?

Mrs. CLARK. I would think that it would be possible for them to cooperate with public-employment agencies.

Mr. LEISERSON. You think it would be possible to eliminate the abuses if you had a system of State employment agencies cooperating with private agencies?

Mrs. CLARK. I think possibly—I don't care to make any specific recommendation of the sort.

Mr. LEISERSON. Have you read over the proposed plan for organizing the labor market—the printed plan?

Mrs. CLARK. Submitted by your commission?

Mr. LEISERSON. Yes.

Mrs. CLARK. Yes, sir.

Mr. LEISERSON. Have you any suggestions or criticisms of that plan that you would like to make before the commission?

Mrs. CLARK. I would prefer to make them in writing, if you would allow me to do so.

Mr. LEISERSON. Very well, if you will do that. There is one line along which I would like to question you. Your department has jurisdiction over all places where immigrants work?

Mrs. CLARK. Yes.

Mr. LEISERSON. And some of them are labor camps in this State?

Mrs. CLARK. Yes.

Mr. LEISERSON. Your department has made some investigations in those camps?

Mrs. CLARK. Yes; we are authorized to inspect the camps—the labor camps of the State. There were 1,052 camps listed last year in our bureau and of that number 181 were examined by our investigators. We hope to cover a great many more this year.

Mr. LEISERSON. Can you give us any idea, briefly, as to the conditions in those camps?

Mrs. CLARK. The conditions in some of the camps, according to the reports in the bureau, have been appalling, so far as sanitary conditions go. The employment question does not enter into that subject very largely, except in the matter of the commissary store. We have numerous complaints in relation to the commissary charges and accommodations.

Mr. LEISERSON. Have you any idea that the conditions in the camps cause the men to quit their jobs frequently, and thus cause a lot of unemployment?

Mrs. CLARK. The living conditions?

Mr. LEISERSON. The living conditions of camps.

Mrs. CLARK. We have frequently had complaints of that sort, where men can not live in the camps in the accommodations provided for them, and they are obliged to pay the same amount to the commissary as they would if they —

Mr. LEISERSON. Have you made written reports to the commissioner on conditions in the camps?

Mrs. CLARK. No, sir.

Mr. LEISERSON. You have not?

Mrs. CLARK. No, sir.

Mr. LEISERSON. But you have the material in your office?

Mrs. CLARK. Yes, sir; we have the material.

Mr. LEISERSON. That will be all.

Chairman WALSH. Do any of the commissioners desire to ask any questions?

Commissioner GARRETSON. Yes. Do you believe, Mrs. Clark, that a national system, planned on the basis of furnishing the machinery of correlation between the various State systems, if such existed, would be desirable?

Mrs. CLARK. I think there is no doubt of it whatever, because we have correspondence from all over the United States, concerning applications for labor and advice.

Commissioner GARRETSON. This would furnish a proper line of interchange as between the various State systems?

Mrs. CLARK. There is no question whatever, because we can only refer them to benevolent institutions, or some such institutions that will take an interest in that case.

Commissioner GARRETSON. There is one question I would like to ask, that is purely a question of your own experience. Has your experience in the investigations of the evils that have arisen and the conduct of private employment agencies, led you to believe, as was virtually stated here this morning, that the men engaged in that business are closely resembling Caesar's wife, not only pure but above reproach?

Mrs. CLARK. I should say, quite the contrary.

Commissioner GARRETSON. That is all.

Commissioner BALLARD. I would like to ask you: You said that about 150 cases that you had investigated in the past four or five or six months have been sent west to the various points, and there has been either no work or a strike on; that 150 cases represents about what proportion of all that have been sent out of the city paying employing fee?

Mrs. CLARK. How many applicants for employment?

Commissioner BALLARD. Yes; would be sent out of the city to these positions that were in question?

Mrs. CLARK. Of course those 150 cases covered all of the applications within the city as well as outside the city.

Commissioner BALLARD. Then of all the applications that have been made in the city and out of the city, and who paid their fees in advance and received no work, there have been only 150—

Mrs. CLARK. Not all of the 150—156 from October 1 until May 15, and of that 156 the great majority are cases where no work has been furnished, and the fee has been collected in advance.

Commissioner BALLARD. You don't know how many cases have been given work altogether?

Mrs. CLARK. I can get them.

Commissioner BALLARD. Some 15,000, or something like that?

Mrs. CLARK. I really couldn't say.

Commissioner BALLARD. If there were 15,000, that would be only 1 per cent of the cases that had been sent off without any work?

Mrs. CLARK. Yes, sir.

Commissioner BALLARD. You see what I mean?

Mrs. CLARK. Yes, sir.

Commissioner BALLARD. In other words, in that 150 is that a very large proportion, or a small per cent?

Mrs. CLARK. It would be a large per cent of the cases where the fee would be accepted and no work.

Commissioner BALLARD. In that case, where the fee has been paid and no work, who paid the railroad fare?

Mrs. CLARK. The agent usually advances the railroad fare, with the understanding that the applicant will work a certain length of time in order to repay him.

Commissioner BALLARD. Of those 156 cases, the agency has furnished the railroad fare?

Mrs. CLARK. No; those 156 cases included the cases in the city.

Commissioner BALLARD. Where they were out of the city, the agent had furnished the railroad fare?

Mrs. CLARK. Yes; they had furnished the railroad fare.

Commissioner BALLARD. If the men did not get any work, the agent would lose the fee? He would never get his railroad fare back again?

Mrs. CLARK. I suppose not.

Commissioner BALLARD. It would seem a little uncertain, in my mind, whether the men would deliberately accept a fee and send a man away without getting any work. He must have thought the man would go to work or he would not have laid out the expense of the railroad fare.

Mrs. CLARK. Yes. Our difficulty arose in the cases of those sent to Michigan not having explained that a strike existed there.

Commissioner BALLARD. In those cases there was a strike?

Mrs. CLARK. Yes, sir.

Commissioner BALLARD. You said, speaking of the unreliable employment agencies, are there a pretty large proportion of the employment agencies, as a class, unreliable, or a very small proportion unreliable?

Mrs. CLARK. I beg your pardon.

Commissioner BALLARD. Of the agencies, are there a large proportion of the agencies unreliable? As I understood it, there are 600 or 800 of those agencies in the city. Are there a large number unreliable?

Mrs. CLARK. The complaints that come to us are from agents who humile immigrants only; and I should say that they are pretty equally distributed among those agents.

Commissioner BALLARD. That is all I have.

Commissioner LENNON. Does your department intervene, immediately upon the arrival of the immigrants, to try and take care of them; or do you wait until they make some application to you?

Mrs. CLARK. For complaints; yes.

Commissioner LENNON. I mean, for work, to place them?

Mrs. CLARK. Oh, we don't place any applicants for work. We do not furnish work.

Commissioner LENNON. But you investigate?

Mrs. CLARK. We investigate complaints against agents; yes.

Commissioner LENNON. You do not intervene in the matter yourselves, as a department, in order to place those immigrants?

Mrs. CLARK. No, sir. We do not place the immigrants at all.

Commissioner GARRETTSON. I want to ask one question that has been brought out by another. In this matter of the number, the proportion of the whole that makes complaint, is it your opinion that every immigrant who has been deceived in any form makes complaint to you, or only the occasional one of those who has been deceived?

Mrs. CLARK. I think only the occasional one, because a very large majority of those who have been exploited have either sailed away or have been forwarded to some other destination outside of New York.

Commissioner GARRETTSON. Or don't know of your department?

Mrs. CLARK. Or don't know of our existence.

Commissioner O'CONNELL. Do those agents go into the immigration station looking up those people?

Mrs. CLARK. Our agent?

Commissioner O'CONNELL. The agents of the private agencies, when the immigrants come in?

Mrs. CLARK. The private employment agencies?

Commissioner O'CONNELL. Yes. Do they go among them, seeking to let them know they can probably find employment for them?

Mrs. CLARK. Not that I know of.

Commissioner O'CONNELL. I do not quite see where your department fits into this question of the local employment. What is the law that provides that you shall interest yourselves in the immigrant after they go away from the immigrant station and become admitted to the country?

Mrs. CLARK. Simply the protection of the immigrant, protecting him from being exploited.

Commissioner O'CONNELL. How do you follow him up after he leaves the station?

Mrs. CLARK. We do not follow him up at all.

Commissioner O'CONNELL. Then, it is purely up to the immigrant himself if he has a complaint. If he knows enough to do so, or if somebody informs him, to make a complaint to you that he has been imposed upon?

Mrs. CLARK. Not necessarily. Our investigators cover all docks and terminals in the city, and make regular daily inspections.

Commissioner O'CONNELL. But after he leaves the dock?

Mrs. CLARK. On the arrival of the steamship or the departure of the steamship, on the arrival of the trains and ferryboats. Most of the exploitation of the immigrant takes place along the dock lines and at the terminals.

Commissioner O'CONNELL. Once he gets away from the docks or the terminals and gets up on Broadway or over on Third Avenue, some place in New York, you lose sight of him?

Mrs. CLARK. Yes; unless we hear some specific complaint from him.

Mr. LEISERSON. In order to get something straight in the record, Mrs. Clark, a question was asked you whether the employment agencies advanced the transportation. Your records would not show whether the employer gave the money or whether the employment agency paid it himself—the transportation? In cases of those strike breakers to Michigan, would you know whether it was the employers who furnished the transportation or the employment agent?

Mrs. CLARK. I couldn't tell you that without referring to the specific case.

Mr. LEISERSON. That is all.

Chairman WALSH. That is all. Thank you, Mrs. Clark.

Mr. LEISERSON. I will call Mr. Bell.

TESTIMONY OF MR. GEORGE H. BELL.

Mr. LEISENSON. Will you please give your full name and official position?

Mr. BELL. George H. Bell. I am commissioner of licenses of the city of New York, and, among other things, license and regulate the business of the private employment agencies, and because we have no department corresponding to the average public welfare department in this city it has been recently provided by an ordinance passed by the board of aldermen and signed by the mayor that a public employment agency shall be established in my department.

Mr. LEISENSON. How long have you been commissioner?

Mr. BELL. Since the beginning of the year.

Mr. LEISENSON. Did you have experience in this line of work before the beginning of this year?

Mr. BELL. Yes, sir. Through the life of the Immigration Commission, with which I was connected for some time.

Mr. LEISENSON. The Federal Immigration Commission?

Mr. BELL. Yes, sir; the Federal Immigration Committee. I was connected through the entire time of its existence with it in the investigation in the South and in and about New York—general investigation.

Mr. LEISENSON. You heard the testimony in regard to the abuses of the private employment agency. Have you any additional cases of abuses, aside from those that were mentioned?

Mr. BELL. Oh, yes. We get complaints of abuses, probably about 50—an average of 50 complaints—a week in our office. In fact, because of the fact that it is our office that has jurisdiction an arrangement has been made between Mrs. Clark's office and my own by which those complaints are sent to me for investigation and disposition, and the result of our investigation and disposition is sent back to Mrs. Clark, we being the office that has jurisdiction under the law.

Mr. LEISENSON. Can you cite to us any different cases of abuses other than those that were mentioned?

Mr. BELL. Well, we get complaints of abuses of so many different characters that I could spend two or three days in telling about them. Some, of course, are meritorious; some, it develops, have no merit. The proportion is just about, I should say, as in the proportion of meritorious cases of the character that comes before a court or any other body that has the disposition of such things. We get complaints, very many, where the character of the work is misrepresented. Where men pay fees and are sent out. We get complaints, again, a few, where men are sent to jobs, and we feel that there is collusion between the gang boss, as was suggested this morning before the commissioners, and at the expiration of a certain time a man is discharged and another is taken in his place, and if possible a second fee is collected from the workman. We get all sorts of conditions of complaints.

Mr. LEISENSON. Have you had occasion to follow up complaints of that kind?

Mr. BELL. I have followed them just as far as it is possible. I think I would like to say, at the outset, that I do not feel that the licensing and regulation of employment agencies is a city function at all, because we have no jurisdiction outside the city, and are unable to get any proper data as to conditions as they exist outside the city. I feel that employment agencies should be licensed and regulated by the State and by the Government, and I have taken such steps as I could to get the cooperation of the Department of Labor, the National Department of Labor and the State department of labor, in helping me to investigate cases where men are sent from New York City to either places within the State or in other States, so that I could get some accurate data on which to determine complaints. For that reason it is difficult to get the data concerning conditions. Where, for instance, men are sent from New York to North Carolina on a lumbering job—men sometimes come back and complain that the work was misrepresented. There were probably conditions of living which could not be set forth clearly in the labor situation developed down there, and I am absolutely at a loss to get accurate information as to conditions. I can only write and ask employers, and very often they side with an employment agent, and on that basis I have to determine the case. The employer says one thing, the agent says the same thing, the employee says something different. It is purely a question of veracity, and the only thing I have is the appearance of the witness on which to determine a case of that kind.

Mr. LEISENSON. Referring to the statement made this morning by a representative of the employment agent, that the regulation of this business has been due, not so much to the abuses but to the opposition to their business on the part of newspapers, what have you to say in regard to that statement?

Mr. BELL. It is a very difficult thing to say. I have found in my office that most of the newspapers—the attitude of most of the newspapers was absolutely cordial and friendly where decent conditions existed. One or two newspapers undoubtedly are; feel that anything in the way of a public employment agency or private employment agency has some effect on the part of their "help-wanted" columns. I think there are just one or two papers that do believe that.

Mr. LEISENBERG. Let me put the question this way: You feel that the business really needed regulation aside from anything the newspapers may have said?

Mr. BELL. I do.

Mr. LEISENBERG. You think the main reason for the regulation of the business is because there were many abuses?

Mr. BELL. Yes; I think that probably is the reason it came about in the first place. Unquestionably it needed regulation. I find that the decent agent does not object to the regulation and is rather glad to have it, and I think the proportion of good and bad agents is about relative to the proportion of these men and otherwise—people of other characters in any other line of business. Most of the agents with whom I had relations are absolutely all right; some are not. And most of the abuses come from the agencies that are not. That does not—I don't mean to say by that that complaints are not made against good agents occasionally, and complaints that we fight about together and determine on the merits in our office, but most of the complaints are against agents who do not attempt—

Mr. LEISENBERG (interrupting). In your experience do you think that, if not a city, a State system of regulation could remove the abuses from the business?

Mr. BELL. It probably could not remove the abuses from that—the entire abuses—by regulation, but you can minimize it. You can not get it to the real minimum by city regulation, for the reason, I say, that many, many men of the kind you are talking about are sent out of the city and out of the State, and our jurisdiction ends at the city line, and we can not get at them.

Mr. LEISENBERG. Assuming you have the best kind of regulation, do you think that by letting this business in private hands that the best method is secured for bringing the men in touch with the jobs?

Mr. BELL. No; I think that the—

Mr. LEISENBERG. Why not?

Mr. BELL. I don't think that the private employment agent should be annihilated; I think he has a place just the same as any other business man has, but I think they merely scratch the surface. I don't think that they reach at all the problem or question of unemployment. It seems to me that every State, every municipality of any size, and the Federal Government should have a system of public employment agencies.

Mr. LEISENBERG. Well, do you think that if the city established an employment agency, it could do more than these private agents have done?

Mr. BELL. In some directions.

Mr. LEISENBERG. In what directions?

Mr. BELL. Probably in the—it is difficult to answer that just that way. We have found that out of the great number of unemployed in this town a very, very small number patronize the private agencies—a very, very small part. This city is so large that dozens of jobs might exist, vacant jobs might exist here, there, and everywhere through the town, and 50 men might need those jobs and yet not find them. And probably the best of all ways to reach that condition would be through a governmental agency of some sort; through a Federal or State or city agency, in which agency great numbers, if not all, of the employers could be interested, and to which agency men would be educated to go looking for those jobs. In that way we can reach it.

Mr. LEISENBERG. You would say, then, although we have close to 800 employment agents, licensed employment agents, in this city—

Mr. BELL (interrupting). We haven't any more; we have cut it down considerably.

Mr. LEISENBERG. How many?

Mr. BELL. Six hundred and twenty-five now. We had 835 a little while ago. It is fair to say—it is the beginning of the licensed year, and we expect to have probably 150 fewer than the last licensed year.

Mr. LEISENBERG. So that, although you have over 600, they hardly scratch the surface in bringing the man and the job together?

Mr. BELL. In most kinds of labor. Probably in the nurses' employment they do nearly all of the employment, and some other kinds; but among the laborers,

common laborers and workmen of various classes—factory workmen, farm laborers, and so on—a very small proportion.

Mr. LEISENSON. Can you give us any reasons why that is? Is it anything inherent in the private enterprise of these private agencies that makes it impossible for them to get all the business?

Mr. BELL. Well, I think it is a poorly organized business, to begin with. We found, after making some rough figures just after I assumed this office, that not over 40 per cent of all the jobs that were offered to agencies to fill were filled by the agencies; 60 per cent of all the jobs that went to them were lost, never filled. In certain specific instances, where I went to see employers who had asked agencies to fill the place, I found that after two or three or four weeks they had not gotten anybody and the places were still open. I was able myself by 10 minutes' telephoning to fill some of those places without any difficulty, just figuring, for instance, what union would have a man such as was wanted, or where a man was likely to be found, and almost invariably got him at once. The agencies, because they were not supplying that particular kind of help asked for, had not made any special efforts to fill those places. I suggested to the employment agents' association, in telling the result of that investigation, that they organize a central place where jobs could be—jobs of that kind that came to agents that they were not in the habit of filling could be filled through their central office by some other agent, some of their own association. I don't know just how far that has gone, although they seemed to be interested in the figures.

Mr. LEISENSON. They have not organized any such central agency?

Mr. BELL. I think not, except as Mr. Irwin spoke of it this morning.

Mr. LEISENSON. Do you think the fact that an employment agency ordinarily specializes in one kind of work, that that is the reason they do not fill such a large number of commissions?

Mr. BELL. Probably that is true; but it does not seem, in the abstract it does not seem, as though the business of a private employment agency appeals to the community at large, except they have got in the habit of going to an employment agency for a particular kind of help, probably. Domestic help nearly all comes through private agencies, because that is where they look for them.

Mr. LEISENSON. Well, you think the business, in order to be done properly, is too big an enterprise for the private agency to undertake?

Mr. BELL. That is the conclusion, although I don't see why it should be, because there are many bigger businesses that have been successfully conducted—

Mr. LEISENSON. You would not say, though, that the experience—trouble has been that no private agencies have undertaken properly to do this work.

Mr. BELL. Yes; that is a fact.

Mr. LEISENSON. You would not consider that the work of attempting to bring the man and the job together at the present time is properly done?

Mr. BELL. No; it is not, because no accurate information is procured, as we don't know anything about the labor market conditions; that is, we do not know anything about the labor market.

Mr. LEISENSON. Then you would condemn the private handling of the labor markets, on two points—one for the abuses of the business, and second, from the fact that they are very inefficiently run from their own standpoint.

Mr. BELL. Oh, I don't say that the private labor agent ought to be eliminated, because he has his place, but I think he ought to be regulated, and ought to be regulated very much more effectively than he is now, for his own good as well as for the good of the community. The private employment agent has so small a place in the whole question of placing people in jobs, that the rest of it needs to be done, and needs badly to be done, by a very wide system of employment bureaus rather than by the Government.

Mr. LEISENSON. Aside from putting the amount of business—that is not what I had in mind—but that is from the standpoint of doing the job and accomplishing the purpose of bringing the man and the job together, you would say that they failed first because they cover such a small field—

Mr. BELL. (interrupting). Yes.

Mr. LEISENSON. And that they are not sufficiently organized to undertake a system.

Mr. BELL. Yes.

Mr. LEISENSON. And secondly, because there are these abuses that the business is particularly liable to, and which so far have not been effectively regulated because it has been municipal regulation.

Mr. BELL. That is true.

Mr. LEISERSON. Do you have any supervision over employment agencies, conducted by employers' associations?

Mr. BELL. Only where they collect fees. Where they collect no fees, I have not.

Mr. LEISERSON. Have you any of that kind in the city?

Mr. BELL. We have one or two that are licensed so as to permit them to accept fees, if they want to, but they do not.

Mr. LEISERSON. What are those?

Mr. BELL. The New York Retail Grocers' Association and one other of a similar name. I have forgotten for the moment. But they are simply licensed so they can charge fees if they want to.

Mr. LEISERSON. Have you ever had occasion to look into their business to see whether they cover the field for their industry?

Mr. BELL. They do not cover the field for their industry but simply supply help for their own members and are not effective at all.

Mr. LEISERSON. Have you ever had complaints against employment offices conducted by employers' associations?

Mr. BELL. No, sir.

Mr. LEISERSON. None whatever. You have jurisdiction over philanthropic employment bureaus and the National Employment Exchange.

Mr. BELL. The National, we have. They charge a fee. The Alliance, I think, is not licensed.

Mr. LEISERSON. Do you think that these philanthropic agencies are any more successful in the accomplishment of bringing together the man and the job than the private agency?

Mr. BELL. Not a bit.

Mr. LEISERSON. Not a bit; have you any idea of the reasons for that?

Mr. BELL. Well, first, I think that the thing is so big a subject, that it is Nation wide, and that it can not be covered by any little agency which is local or small. It has got to be done by a closely related series of those things all over the country everywhere; particularly so that you can get very complete data as to the condition of the labor market everywhere through the United States, bringing it together so that it is available everywhere in the United States.

Mr. LEISERSON. Wasn't the National Employment Exchange organized with that purpose in view?

Mr. BELL. I know very little about their organization. I just tried to watch what they have been doing since I have been in charge; and I have not found that they were filling any very great want.

Mr. LEISERSON. Your conclusions with regard to philanthropic employment agencies would be, then, that in so far as they do work, they do it in a limited field.

Mr. BELL. Absolutely.

Mr. LEISERSON. To that extent, do you think their activities are advisable? That is, you would not suggest turning that over to public or private hands?

Mr. BELL. I don't think any agency is advisable by itself. I don't think any agency is any good unless it is connected up with a very complete system which would cover the whole country.

Mr. LEISERSON. Have you ever had occasion to look into the employment offices conducted by the trades-unions, or do they have any?

Mr. BELL. There are some conducted by trades-unions, generally without license charges, just among their members. There are some few, as in the case of the chemists' club—not really a trades-union, but supply chemists and pharmacists, and people of that sort, among themselves. They all work in a limited way, however.

Mr. LEISERSON. Do the unions, then, have any kind of an employment system, to your knowledge, for bringing the man and the job together?

Mr. BELL. Yes; and probably they do it better than most other agencies that exist.

Mr. LEISERSON. That is for their members.

Mr. BELL. For their own members.

Mr. LEISERSON. You have no jurisdiction over them?

Mr. BELL. No; I have no jurisdiction.

Mr. LEISERSON. Have you ever had any complaints against them?

Mr. BELL. Never.

Mr. LEISERSON. You have no jurisdiction over the State agency of the department of agriculture of the State?

Mr. BELL. No; none whatever.

Mr. LEISENBERG. Do you happen to know anything about their business?

Mr. BELL. Well, that is just—no; we have had no relations with them at all, not so that I would know what they had done. As I understood their agency, as I understand—that is, it is not in existence at this time.

Mr. LEISENBERG. I understood that it was.

Mr. BELL. They sent some few farmers up-State, but I thought that was not done by the State employment agency.

Mr. LEISENBERG. Have you any suggestions or criticisms to make in regard to this?

Mr. BELL. I think that the question of collection of information regarding labor conditions ought to be very completely arranged, so that absolutely accurate information as to labor conditions all over the country is generally available. I think, having that in hand, the remedies will suggest themselves. I am somewhat doubtful as to the advisability of an advisory committee as set forth here, particularly as relating to the administration of the employment agencies.

Mr. LEISENBERG. I would like to have your criticism on that point.

Mr. BELL. I think you have got to get interested every employer in the United States in this thing ultimately, and I think you want the interest of the labor unions particularly, so that in times of labor troubles there will be somebody actually known to labor people as labor men who can vouch for the conduct of the Federal employment office set forth here, so that they will know the office is taking a neutral place or a neutral position in the labor troubles. But I do not think it is advisable to have a committee of citizens helping in the administration of your office.

Mr. LEISENBERG. The advisory council, that is, here in paragraph 3—

Mr. BELL. (interrupting). It speaks of the advisory council working in conjunction with the director; for instance, in selecting employees for the agency. Of course that is a particular instance, and it says here that the employees shall be taken from the civil-service list.

Mr. LEISENBERG. Would it not be possible to make this advisory council a committee of the civil-service examining board for civil service?

Mr. BELL. It speaks of an equal number of employers and representatives of labor, as I recall it.

Mr. LEISENBERG. Paragraph 3 on page 2.

Mr. BELL. I can see where such a committee can be of great service in enlisting the support of the employers and keeping the labor side of things straight; but I can not see where they would be of any value in the administration of the bureau, which should be in the hands of the director, in whom should be concentrated responsibility for the actual administration of the bureau.

Mr. LEISENBERG. Are you familiar with the workings of these advisory councils in the European employment offices?

Mr. BELL. Not as they relate to administration.

Mr. LEISENBERG. The idea, then, in regard to the civil service is primarily to take the appointment of the offices out of politics.

Mr. BELL. Yes, sir; absolutely essential.

Mr. LEISENBERG. And the best way to control that is to have the interests, the employers and workmen, be the examining board that would certify a candidate; in other words, to do the work, or doing the work, rather, of selecting candidates.

Mr. BELL. That might work that way. I did not so understand it.

Mr. LEISENBERG. Have you any other criticism in regard to that?

Mr. BELL. No; except that I want again to say that I think the arrangement for the collection and dissemination of information regarding labor conditions ought to be very, very complete.

Mr. LEISENBERG. You think it is inadequately covered here?

Mr. BELL. I am not sure about that. I think I should like to go over it some more, and possibly I might send you some suggestions on that.

Mr. LEISENBERG. Would you be willing to send in your suggestions in writing to the commission?

Mr. BELL. Very happy to do it.

Commissioner GARRETTSON. Mr. Bell, as a practical fact, do you know whether or not employment agents, as they at present exist here, employ runners among the immigrants?

Mr. BELL. I think not; not in any great numbers.

Commissioner GARRETTSON. You could not tell—

Mr. BELL. A few, but none to speak of.

Commissioner GARRETSON. You spoke a little while ago that our investigation—you were referring to the matter of want of jurisdiction—that is, authoritative jurisdiction.

Mr. BELL. Investigating complaints that arose.

Commissioner GARRETSON. That nearly always the employer and the employing agent made the same answer, and that is in opposition to the statements made by the employee.

Mr. BELL. Very often.

Commissioner GARRETSON. Well, generally, that is the natural thing.

Mr. BELL. Where we have any difficulty in deciding a case that is what happens.

Commissioner GARRETSON. The natural community of interest would lie between those two.

Mr. BELL. That is true.

Commissioner GARRETSON. And their interest in the question would undoubtedly be the same as against the man who made the complaint.

Mr. BELL. Yes; that is true. For instance, if that employer is located in North Carolina, the city of New York has no opportunity for knowing what the conditions are, and has to trust to writing and ascertaining in that way.

Mr. LEISERSON. That is one of the weaknesses of the Federal system.

Mr. BELL. Yes; and I think the Federal Government is in a position to handle that complaint down there, and to ascertain what the conditions were. They could determine very much more readily.

Commissioner GARRETSON. Then if, according to your belief, the employing agent was continued as a necessary factor the existence of the national system as a means of correlation would be just as necessary.

Mr. BELL. Oh, yes.

Commissioner GARRETSON. Then speaking of the inadequacy of the present private-agency system, in that it does not cover the field, there are a very large number of private employers who will not patronize the private agency, are there not?

Mr. BELL. I say that is true, because they do not. I have no private expression from them.

Commissioner GARRETSON. As it virtually stands there, it is a patch instead of the whole garment?

Mr. BELL. Yes; that is true.

Commissioner GARRETSON. Can any private system, in your opinion, furnish data that would be of any value in determining any of the factors in the problem of unemployment as a whole?

Mr. BELL. I think not.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner LENNON. Mr. Bell, the matter of the revocation of the licenses comes under the jurisdiction of your department, does it not?

Mr. BELL. Yes, sir.

Commissioner LENNON. Are the causes for which revocation can take place set forth in the law, or are they matters that are subject to your judgment?

Mr. BELL. Oh, they are set forth in the law; and I would be very glad to leave you a copy of that law—

Commissioner LENNON. Well, they are set forth in the law.

Mr. BELL. Yes, sir.

Commissioner LENNON. I would be glad to have that.

Mr. BELL. We revoke the licenses after hearings, and our decisions are subject to review by the courts. I will send over a sufficient number of copies to go around.

Commissioner O'CONNELL. Do the commissioners make reports on these agencies each year, or monthly, or how?

Mr. BELL. We make under this law inspections bimonthly of the registers of each employment agency.

Commissioner LENNON. Is that in print or is the result of it in the form so that we can get it?

Mr. BELL. The inspectors make what are considered confidential reports to the office where they find conditions which need to be remedied within the agency. Complaints are made by the inspectors and hearings are held, and those hearings have been on minor things, such as the way the records have been kept and the way things have been kept in the office. They really reveal any great abuses as applied to applicants for employment.

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Commissioner LENNON. You do not print, then, any report covering that phase of your administration.

Mr. BELL. No; the reports we have had along those lines are practically of no value.

Commissioner LENNON. The only way the information then could be gotten for our record would be going over the records in your office?

Mr. BELL. I will get you that information in the best shape I can from such materials as we have along those lines. We hold approximately two hearings a week, and probably have 50 complaints. We average 50 complaints a week, I should say, against employment agencies. We send inspectors to investigate and some of them develop complaints without merit, where it is apparent there is no merit, and there is perhaps complaints beyond our jurisdiction, as complaints as to conditions.

Commissioner LENNON. In what way do these complaints arise? Are they running in the way of not securing positions after paying the fee for the service?

Mr. BELL. Not securing positions, and sometimes employees are discharged within a few days, or something of that kind, and are entitled to a refund from the employment agent after having paid him the fee; and sometimes the work is misrepresented, and it is difficult to know under our law to find those conditions, when the work is within the State. Under the law, the labor statement is given to employees sent out of the State, and it is necessary to set down on that labor statement the conditions under which they are to work. I have made it very clear to the agents, since I found that abuses came up in connection with those things, that all the labor statements given to an applicant for work, all of the conditions must be set forth very fully; and failure on the part of the agent to set forth the conditions under which the man is to work and the compensation and cost of board and things of that kind that would be charged up to him, transportation, etc.—failure to put that very fully on the contract statement has been considered by me as practically the same as misrepresentation; and I have made agents refund these, and treated them accordingly.

Chairman WALSH. How many licenses have been revoked, would you say, within the last six months?

Mr. BELL. I can send you accurate data——

Chairman WALSH (interrupting). Could you approximate what proportion of them are decided in that manner——

Mr. BELL. By——

Chairman WALSH. Of the complaints; yes, sir.

Mr. BELL. Comparatively few. Most of the——I should say all the labor agents who have done business in a large way of sending employees out of the State, however, we have revoked the licenses of about one-third of them in the last few months; two or three of the biggest agencies sending Italian laborers out of the State have been practicing abuses.

Chairman WALSH. Is that for continuous offense?

Mr. BELL. Usually where their records have not been very good and we have got a very good case on them.

Commissioner O'CONNELL. Have you any idea of the general earnings annually, say, of the average one of these offices?

Mr. BELL. Oh, they vary very greatly. Some of the agents do a very small business. I found agents, for instance, located in the front room of a flat, just one room in the front of a flat; who do a very, very small business; probably their gross income just about pays for the license in each year; and in such a case I have sent for those agents and asked them why they wanted to continue the business.

Commissioner O'CONNELL. For instance, one of the gentlemen before us this morning said that he furnished employment for eight or ten thousand people a year.

Mr. BELL. He is one of the biggest agents in the city.

Commissioner O'CONNELL. What do you imagine his income would be approximately?

Mr. BELL. It would be difficult to say. He is one of the biggest and, I must say, one of the best, for we have rarely ever had complaint against him for any abuse.

Commissioner O'CONNELL. I imagine his income, however, is sufficient to pay for his lights and gas. [Laughter.]

Mr. BELL. No question about it.

Mr. LEISENBERG. Why do those people continue in the business themselves that you asked?

Mr. BELL. Usually they are people who have some small income or the man may be out of work or he may be earning \$12 or \$15 a week, and his wife conducts an agency in a small room and helps out with the rent or something of that kind. I have sent for every one of those agents personally, and whenever I felt sure they should be put out of business that has been done. Sometimes I found that there was no abuse and that I had no right to revoke their licenses, but I have talked it over with them and practically where they are making no income or some cases I get them to drop out.

Mr. LEISENBERG. What proportion of the total license fees of that kind are there?

Mr. BELL. Probably 500 out of the lot are very small agents.

Mr. LEISENBERG. Isn't it a fact that you do not think that they do very effective work toward bringing the man and the work together?

Mr. BELL. No; they have no bearing on the situation at all. They supply a few—usually a few domestic servants, and they have no real place in the whole question.

Mr. LEISENBERG. Do the license fees that you get cover the cost of administration?

Mr. BELL. No, sir.

Mr. LEISENBERG. Can you give us any idea as to the cost of the administration of the law?

Mr. BELL. I can send you accurately what it costs and what the income has been.

Mr. LEISENBERG. Can you tell us approximately here?

Mr. BELL. Yes. Unfortunately I have not a copy of my budget here. It is downstairs. But I can send you a copy of my budget and give you the exact figure.

Mr. LEISENBERG. We would like to have that, and if you have any idea approximately—

Mr. BELL. (Interrupting). The reason I am in the air on that is we are changing the whole status of our office. We are organizing a department of licenses which will include everything.

Mr. LEISENBERG. The point I wanted to make is that besides leaving this business in private hands the State has to spend a good deal of money to regulate the business, and what it gets from the agents does not pay the cost of regulation.

Mr. BELL. Does not anywhere near pay it—that is, the city. The city regulates.

Mr. LEISENBERG. Well, the city regulates and gets the license fees.

Mr. BELL. The city regulates and gets the fees and pays the expenses of my office.

Mr. LEISENBERG. Well, would the licenses even amount to one-half?

Mr. BELL. No; not near.

Mr. LEISENBERG. Not near half. One other question. If a man makes a complaint to you, does that mean that the man has to prosecute or do you prosecute?

Mr. BELL. The man has to appear. We try to assume a position between the two and find out what the real facts are. It is a semi-official position that we take.

Mr. LEISENBERG. But when it comes to a case in court, who prosecutes?

Mr. BELL. We prosecute—cases of abuse of that sort, and cases of conducting employment agencies without licenses we prosecute. It is fair to say that most people who are apprehended for conducting employment agencies without licenses are ignorant of the law and do not really intend to commit a crime.

Mr. LEISENBERG. What is the amount of the license fee?

Mr. BELL. \$25 a year.

Mr. LEISENBERG. That is for all agencies?

Mr. BELL. Yes; for all agencies.

Mr. LEISENBERG. A statement was made this morning that if employment agencies act illegally there are that department and the State department—the State bureau of Industries and Immigration—that would take care of such complaints. Now, I would like to know whether, in your opinion, practically all the abuses come out in the form of complaints to you or whether you think, from your experience, there are a good many abuses that never come to light, because the wage earners do not know their rights in the matter.

Mr. BELL. Oh, I think the complaints that come to us are a very, very small percentage of the abuses that occur.

Mr. LEISENBERG. You have, then, 50 complaints a week on an average, and that, you would say, is a very small percentage of the total number of cases that ought to be looked into?

Mr. BELL. That is true. For instance, in many theatrical agencies we rarely get a complaint, because we feel the reason we rarely get a complaint is that a few big concerns control the business, theatrical people are afraid to complain. We don't get the complaints; but we feel quite certain that gross abuses are occurring every day. Now, much of that theatrical business is interstate business. This is the center, practically, of the theatrical-business side of theatrical affairs in this country, and we have practically no jurisdiction once they get out of the State.

Mr. LEISENBERG. What do you think of the suggestion that was made this morning to prohibit any fee being charged to the employee—to put the cost onto the employer?

Mr. BELL. I am not clear as to that. It is fair to say that the employment agency performs a service for the employee as well as for the employer.

Mr. LEISENBERG. Doesn't he equally for the employer?

Mr. BELL. Yes.

Mr. LEISENBERG. At the present time, whom does he charge in the main?

Mr. BELL. In the main, he charges—it depends on the class of help. Of course, among the domestic agents they charge both, many—some few domestic agencies, such as Mr. Wahrburg and others, they charge only the employer; in many of the hotel agencies they charge only the employee; and so it goes.

Mr. LEISENBERG. In the majority of cases of common laborers and factory workers, who pays the fee?

Mr. BELL. Both; or at least in nearly every case the employee pays it.

Mr. LEISENBERG. The employee?

Mr. BELL. Yes.

TESTIMONY OF MR. HERMAN ROBINSON.

Mr. LEISENBERG. Will you state your full name and your official position?

Mr. ROBINSON. Herman Robinson; no official position at this time.

Mr. LEISENBERG. You were formerly commissioner of licenses?

Mr. ROBINSON. Yes, sir.

Mr. LEISENBERG. For how many years?

Mr. ROBINSON. Four years.

Mr. LEISENBERG. And before that, what was your position that would qualify you for this kind of work?

Mr. ROBINSON. My occupation? I am a garment worker. Prior to my accepting public office, I was one of the general organizers for the American Federation of Labor, and also financial secretary of the Central Federated Union of New York.

Mr. LEISENBERG. You were commissioner of licenses for four years. During that time can you give us an idea of the abuses that have crept into the private employment-agency business as they came to your attention during those four years, so far as may have not been mentioned before?

Mr. ROBINSON. The abuses that crept in during the four years?

Mr. LEISENBERG. No; I mean that you were acquainted with. Those that came to your attention.

Mr. ROBINSON. There were several things that were called to my attention in assuming the office, all of which had to be investigated. I found that a great deal of the alleged abuses were either magnified, exaggerated, or did not exist. There were considerable abuses that had to be remedied; and in the course of four years 63 licenses, to be exact, were revoked by me for various causes. Quite a number of applications for licenses were refused.

Mr. LEISENBERG. In your reports to the mayor you stated several times, I think, that you were opposed to a State or municipal free employment agency. Or is that your position?

Mr. ROBINSON. I did not say that I was opposed to it. I said that I did not think that they would prove successful.

Mr. LEISENBERG. Will you give us your reason for that, please?

Mr. ROBINSON. It is because of the personal element that enters into the selection of persons seeking employment and desiring employment. A success-

ful employment agent—or, rather, an employment agent who desires to be successful—can only be successful in either one or the other. Mr. Wahrburg this morning stated that he dealt largely with domestics. He could not be successful if he tried to deal with laborers and others. He and his partner in the business know the kind of help required by the applicants, and that is why they are successful in being able to select the proper kind of help.

Mr. LEISENBERG. Wouldn't it be possible for a State or a municipal employment office to be familiar with the kind of help desired?

Mr. ROBINSON. I doubt whether it would in the domestic line.

Mr. LEISENBERG. You have never heard of successful State officers in the domestic line or city offices?

Mr. ROBINSON. No, sir. There may have been such reports printed, that they were successful, and it looked good on paper.

Mr. LEISENBERG. Did you ever visit any State or municipal employment office?

Mr. ROBINSON. State or municipal employment bureau?

Mr. LEISENBERG. Yes. So that you would be able to tell from actual knowledge?

Mr. ROBINSON. Not in recent years I haven't.

Mr. LEISENBERG. Do you consider that the private employment agents that you had to regulate properly conducted the business from the standpoint of fitting the person into the job—leaving aside now the abuses—but did they pick out the right people?

Mr. ROBINSON. So far as the domestics are concerned.

Mr. LEISENBERG. In regard to the others?

Mr. ROBINSON. In regard to the others, I favored the establishment of Government labor exchanges.

Mr. LEISENBERG. You would have Government labor exchanges, then, for all except domestics?

Mr. ROBINSON. Oh, no, no. Exclusive of domestics, there are the commercial help, which covers the intelligent class. Then you have the nurses' registers, while theatrical agents, of course, are in a class by themselves.

Mr. LEISENBERG. Will you state definitely as to which kind of labor you think—State or municipal or Government or national employment exchanges—might prove successful?

Mr. ROBINSON. Farm labor; unskilled labor generally.

Mr. LEISENBERG. Factory workers?

Mr. ROBINSON. Well, they are in the unskilled class.

Mr. LEISENBERG. You don't think it would be successful for skilled employees?

Mr. ROBINSON. I doubt it. Of course, it has taken a man some time to become skilled, and in that time he becomes familiar with conditions, more or less, and is able to consider for himself.

Mr. LEISENBERG. Is he able to know that there is a position in a different part of the city that he lives in—10 or 15 miles away from that? You understand the idea of an employment office is merely to bring the two together?

Mr. ROBINSON. I appreciate that; I understand it.

Mr. LEISENBERG. Is it of value any the less for skilled labor?

Mr. ROBINSON. The service may be valuable to him; the information may be. No question about that.

Mr. LEISENBERG. Well, why should you not advise the State doing that for the skilled man?

Mr. ROBINSON. I think the skilled man would be capable of investigating the condition of that himself.

Mr. LEISENBERG. It is not a question of investigating conditions, but of bringing him in touch with the job in the first place. Can the individual skilled man find out where the job is as fast as an agency whose business it is to do that?

Mr. ROBINSON. I have already stated that from the point of view conveying information it may be all right. No question about it.

Mr. LEISENBERG. As from the point of view of conveying information?

Mr. ROBINSON. Yes.

Mr. LEISENBERG. You would think that the employment agency for skilled laborers, managed by the State or the city or the Nation, would be desirable?

Mr. ROBINSON. Oh, yes.

Mr. LEISENBERG. Well, is it your idea that an employment office should do any more than that—than convey information?

Mr. ROBINSON. For the unskilled, I do.

Mr. LEISENBERG. What, for instance?

Mr. ROBINSON. Well, not alone to tell him where the job is, but to get him to the job.

Mr. LEISENBERG. You mean to ship him there and pay his transportation? You think it would be desirable to pay the transportation?

Mr. ROBINSON. That is the only successful way in bringing the job and the man together; telling the man that a job exists elsewhere, and he has not the transportation to get there, is not doing him much good.

Mr. LEISENBERG. Wouldn't it be possible to get an employer to advance transportation? Have you had any experience along that line?

Mr. ROBINSON. Oh, yes; a great many employers do.

Mr. LEISENBERG. Railroads always do.

Mr. ROBINSON. In most cases.

Mr. LEISENBERG. During your experience as commissioner of license, do you find the employment agencies misrepresent conditions as to strikes frequently or infrequently?

Mr. ROBINSON. In some instances they misrepresent the true state of affairs and sometimes they make the misrepresentations upon the information they have received.

Mr. LEISENBERG. Sometimes they do it knowingly and sometimes unknowingly?

Mr. ROBINSON. Yes. They would receive an application from an employer who might have some trouble in his factory, asking this particular agent to supply a number of workers, and withhold the information from him that there is a strike on.

Mr. LEISENBERG. Did you get a copy of that plan? Have you any criticisms to make in regard to it?

Mr. ROBINSON. Well, if it is going to cover the question of workers, and I assume that will be the object, would be to benefit the workers; that is one of the greatest evils that exist to-day, to my mind, so far as supplying workers is concerned during strikes, are not so much the employment agents as the so-called detective agencies are.

Mr. LEISENBERG. Those are not distinctly employment agencies.

Mr. ROBINSON. Well, I would judge that they are.

Commissioner O'CONNELL. Do those agencies come under your license department?

Mr. ROBINSON. No, sir. Those are one of the things I complained of in my first annual report, the so-called detective agencies, who obtained a license from the comptroller from the State of New York; pays his fee for a license and he sets out to do detective work, and being legitimately engaged in detecting crime, or ferreting out crime, I believe that that is a proper function for which he should be licensed as a detective agency. But when a detective agency obtains a license to cover itself as such and receives applications from employers to furnish a lot of men during a strike, and they evade the law by entering into a contract and becoming a contract, why, then I believe that that is the worst evil that we have to contend with.

Mr. LEISENBERG. Your idea, then, would be to put these under the employment-agency law?

Mr. ROBINSON. My idea is different entirely. If they are a detective agency they should be confined to detective work, real detective work.

Commissioner O'CONNELL. And if a detective agency of New York, in addition to its detective agency business, if it also furnishes employees—workmen—would it not have to take a license out?

Mr. ROBINSON. They evade the law by doing this; and pay particular attention and I will explain, because I have endeavored to have the district attorney of New York County prosecute some of them for violating the employment-agency law, because they surely were not supplying these men without obtaining a fee. The district attorney explained that he did not think he could successfully prosecute those men in a court of law because they did not obtain the fee from the men whom they were placing at work, but that they entered into a contract with the employer at so much per man. They would employ the men, send them to work, and pay the men themselves, and, therefore, become contractors.

Mr. LEISENBERG. That is all, Mr. Chairman.

Chairman WALSH. What are the names of such agencies as you discovered doing business in New York City while you were in office?

Mr. ROBINSON. Waddell & Mahon.

Chairman WALSH. Where is their office?

Mr. ROBINSON. I don't know just exactly where their office is. They are in New York City. The directory would tell you that. On Broadway somewhere—Berghoff Bros.

Chairman WALSH. Berghoff?

Mr. ROBINSON. Berghoff Bros.

Chairman WALSH. Any others?

Commissioner O'CONNELL. Are those detective agencies?

Mr. ROBINSON. They are licensed detective agencies—licensed by the comptroller of this State.

Commissioner O'CONNELL. Has the Burns Agency got a license?

Mr. ROBINSON. Burns?

Commissioner O'CONNELL. Yes, sir.

Mr. ROBINSON. They have a detective license. I don't know that they have supplied them.

Chairman WALSH. Do you know of any others?

Mr. ROBINSON. There are quite a few of them. Their records are over in the office of the commissioner of licenses.

Chairman WALSH. In what way can they be identified for the record? For instance, if we sent an investigator over there, in what way could he determine which of those officers were licensed as detective officers but who sent out employees in places where there were strikes going on?

Mr. ROBINSON. It is the duty of the office of the commissioner of licenses to not alone follow up the alleged violations of the law, but to look through the newspapers, follow up advertisements, and invariably when there was a strike about to take place, or that had taken place, and one of these detective agencies had the contract to furnish the men, they would advertise for 150 able-bodied men to appear at a certain time, or at a certain office, and we would believe—or rather we would feel—that this might be something that deserved investigation. Somebody might be collecting fees for gathering these men and furnishing positions; and if it was so, it was a matter that required our attention. The inspector would go there and he would return with a report which would be placed on file showing that they were not charging any fees.

Commissioner O'CONNELL. Did the Farley Detective Agency have quite a reputation for furnishing men during strikes?

Mr. ROBINSON. Yes, sir; there were several of those in addition to those I have mentioned.

Commissioner GARRETTSON. Did your investigations ever lead you to the conclusion that the Pinkerton Co. engaged in a like service?

Mr. ROBINSON. I did not follow all of them. When I found out that I couldn't do anything to prosecute them, I felt that it was hopeless, although I called it to the attention of the mayor in my first report, and stated that some sort of regulation ought to be had over these detective agencies to see what they were actually doing.

Commissioner O'CONNELL. You have jurisdiction, of course, over the theatrical agencies?

Mr. ROBINSON. Yes, sir.

Commissioner O'CONNELL. What is the general method adopted? Don't they usually charge a certain per cent of the salary arranged for?

Mr. ROBINSON. In June, 1910, the New York State Legislature amended the law known as the general business law, covering employment agencies, including this section, that a contract shall be given to the applicant for employment which shall be equitable in its form, and that the commission to the agent shall not exceed 5 per cent of the weekly salary, payable at the end of each and every week. Quite a number of complaints were made because of the excess fees collected in violation of the laws. Many actors and actresses, particularly in the vaudeville line, complained that they were obliged to pay 10 per cent in order to obtain employment. We took the complaints as fast as they came in, and in a very few instances would the complainants appear to sustain their claims.

Chairman WALSH. Was there a reason for that?

Mr. ROBINSON. They claimed at that time that if they did appear that it might be the means of their being unable to get future employment.

Commissioner GARRETTSON. They would appear in the black list?

Mr. ROBINSON. That was their contention.

Commissioner O'CONNELL. Is there any evidence that that contention might be true?

Mr. ROBINSON. Only to a slight degree that I have been able to verify. I have tried to get a number of persons to appear to prosecute some of the agents that I knew were getting 10 per cent, but in order to revoke the license I was obliged to have what we term positive evidence, because the law provided

that where a license is revoked that the action of the commissioner may be reviewed upon a writ of certiorari in the court. And I had even gone so far as to have the district attorney of New York County summons several of the members of the actors' organization.

Commissioner GARRETSON. The White Rats?

Mr. ROBINSON. The White Rats; to compel them to testify that they paid 10 per cent to agents in violation of the law. I regret to say that they failed to produce evidence themselves, although they were the ones who were making the most noise.

Commissioner BALLARD. Was that 10 per cent of a week's wage continuously or just the first few weeks?

Mr. ROBINSON. Every week, because every week's work was considered a separate week's engagement.

Commissioner O'CONNELL. Make an engagement, for instance, with a circuit of vaudeville houses running from New York City to San Francisco?

Mr. ROBINSON. Yes, sir.

Commissioner O'CONNELL. Every week would be considered a separate engagement?

Mr. ROBINSON. Because they worked for a different boss every week. The law permits that.

Commissioner O'CONNELL. What do you think of the idea of that whole matter being thrown into a proposition, on the tentative proposition here for the handling of that sort of engagements through a Government or State office?

Mr. ROBINSON. Well, I can say this, that I think originally the law was placed upon the statute books ostensibly for the protection of the alien, the foreigner, and the illiterate, who was unable to protect himself, and I doubt very much whether the actors and actresses would want to be placed in the same category as being unable to protect themselves.

Commissioner O'CONNELL. I think it would appear as though they were over-protected.

Mr. ROBINSON. What?

Commissioner O'CONNELL. I think it would appear from the arrangement that they have to pay every week of the engagement, every week, 52 weeks, there is overprotection.

Mr. ROBINSON. Some of them are willing, and are willing and will tell you that they are willing to pay 104 times in order to get 52 weeks' wages.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Is there anything else?

Commissioner GARRETSON. I have nothing more.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MR. ADOLPHUS RAGAN.

Mr. LEISEN. Mr. Ragan, will you give your full name and your official position to the reporter?

Mr. RAGAN. Adolphus Ragan; examiner of accounts in the office of the commissioner of accounts.

Chairman WALSH. Louder, please.

Mr. RAGAN. Commissioner of accounts in the office of the examiner of accounts, city of New York.

Mr. LEISEN. Have you made an investigation with the commissioner of licenses of the agencies covering about a month? I would like to have you testify as to just what you found in that investigation.

Mr. RAGAN. The investigation covered a period—I will say in the beginning that the investigation was with one specific object in view. It was not a general investigation of employment agents. The object we had in view was to determine if there were any adequate means in the city of connecting the man with the job, and in order to determine that, why, we concluded—that is, the office of the commissioner of accounts, and I was acting as their agent—we mailed, through the commissioner of licenses, a circular letter to the employment agencies; there were about 748 agencies at that time. That was about January 20, 1914. We asked them in the circular letter to furnish us on the inclosed form considerable data, among which was the number of persons applying for employment at each agency, male and female; whether in the city or outside the city; and the number of places that were filled by them, and the number of places remaining unfilled during the period, and from that data we figured the percentage of places that remained unfilled and the per-

centage of applications that were placed in positions. The returns from 320 of the 748 agencies—I will say that subsequently we got more returns, but they were delayed to such an extent that we could not make use of them. The matters that we had in mind were urgent. The 320 that returned data showed 41 per cent of all positions in the city which were reported to agencies to be filled remained unfilled during the month from December 15 to January 15 of the past winter. It also showed that only 17 per cent of applicants applying for work actually received the work.

We made another classification from the records of the commissioner of licenses as to the kind, or rather—yes; as to kind—of agencies and as to the languages spoken there at the agency. That is, a great many agencies are designed to accommodate persons speaking a specific language, a certain language. We found that this covered 725 agencies. We found that of the 725, 316 were for the accommodation of English-speaking people; that 20 were for the accommodation of Scandinavians; 24 German; 46 Yiddish; 2 Hungarian; 42 Italian; 2 Greek; 17 Bohemian; 22 were Polish; 3 were French; 1 Finnish; and here is one which, of course, is English speaking, but it is segregated on account of race—negro, 61; Japanese, 5; Spanish, 1; and other mixed nationalities, 163. That is the segregation of the private employment agencies as they existed on or about January 20, 1914.

When our returns came in, which showed that only 17 per cent of all persons applying for work were placed, and yet 41 per cent of the jobs remained unfilled, why it appeared to us that there was something radically wrong; so I submitted a report to the commissioner of accounts, and in that report advised the establishment of a public employment exchange and bureau. That is, it was to be utilized as an exchange between the private agencies and for those employment, seeking employment; not the bureau direct it was to be used as a free public employment bureau. We do not say that we did establish such a bureau; but we inaugurated such a plan. We had two or three men detailed from other departments, and they—of course, this is all under the direction of the mayor—and they conducted an employment bureau without any additional appropriation from the city—an employment agency without any additional appropriation from the city, just simply assigned to the work.

Well, we started in with the promise of about 50 private agencies to cooperate with us. We installed a telephone exchange with seven wires, with operators, and expecting to do a rather large business between the private agencies. That is, where there was one with a job and another with a man and would so report them to us, we would adjust conditions by sending the man, or, rather, telephoning and have them send over one from one agency to the other agency. But, as it turned out, the private agencies either just did not understand the method and the purpose and they did not give us the whole-hearted cooperation that we expected. They were instructed to call us up daily and make reports of jobs and positions that they had left over from the preceding day. But a very few of them ever called us, and when we called them we got very little satisfaction. It seemed not so much that they wanted to boycott the bureau as that they did not think it would be an effective instrument.

Judging from the list, the schedule that we prepared here of the languages spoken, and also from telephone conversations, I would judge that most of the agencies were conducted by people who experienced some difficulty in—I should not say conduct, but those who answered the telephones, at least, were people who have a very slight acquaintance with the English language, and for that reason it is very unsatisfactory. We could not get any specific or definite data from them. However, I will say that there were two or three agencies, among them Miss Atwood, and two or three others, that really cooperated with us in a whole-hearted way, and Mrs. Atwood's agency, 12 State Street, I believe, actually sent us men to be placed through our bureau free, which was very unusual, I should think, and we sent her a number of people during the snow-shoveling period, and she placed a number of people from our agency. She charged a minimum fee, I believe, of 15 cents each, or something like that, and a great many of those people were hungry and she actually fed them, and gave them coffee or a sandwich, or something like that. So that all private agencies are not bad.

Mr. LEISERSON. Will you give us, briefly, what the conclusions that you reached from your investigations, are?

Mr. RAGAN. As to the effectiveness of private agencies?

Mr. LEISERSON. Yes.

Mr. RAGAN. Well, my conclusion is, in so far as the general problem of unemployment is concerned, that they do not even tend toward a solution.

Mr. LEISEN. Why not?

Mr. RAGAN. Because, while a number of the people that applied at our bureau, after we had questioned them, stated that they had been to private agencies, most of them stated that they had not been to private agencies, and the reasons given were that they did not have the price to pay the fee and they would get no consideration by going to a private agency. We concluded that a man—that it was just as much of an economic waste for a man who did not have a dollar to be out of work as it was for a man who had money to be out of work, and that was the main, or at least a majority was that kind of men who came to us, apparently without work, I mean, without means at all. I know the boys in our office frequently, and sometimes in squads of 8 or 10, had to pay even the car fare of those people after they had walked 7 or 8 miles to the bureau. These people could get no consideration from a private agency.

I will say this, Mr. Wahrburg this morning stated that they were glad of the establishment of our bureau, so that they could unload their "Weary Willies." It is a fact, I think, that a number were directed to the bureau; that is, a number of the so-called "Weary Willies," but in the opinion of a private employment agent, I think a "Weary Willie" is one who has not got the commission or fee to get the job.

Mr. LEISEN. Are you still connected with the municipal employment office?

Mr. RAGAN. Yes; I am technically in charge of it.

Mr. LEISEN. Can you tell us whether you consider that work successful at the present time?

Mr. RAGAN. As long as we were using it and pushing it as an experiment; that is, pushing it vigorously as an experiment to see if there was a need for such a bureau, I consider it eminently successful and that it filled a long-felt want in the community. For the last few weeks we are still placing people in jobs right along, but what I mean is, since the ordinance has been passed by the board of aldermen making this bureau permanent, and a law has been passed by the State legislature, consolidating the commissioner of licenses' office with the mayor's bureau of licenses, we have had about all we can do to bring together these elements without pushing the employment bureau as we would like to. But it is doing considerable work even now.

Mr. LEISEN. During the period that you were pushing the work, how many people did you place during a month?

Mr. RAGAN. During the first month, including snow shovelers, there were about 3,000 of them; we placed altogether that month nearly 4,000—3,573, I believe, the first month.

Mr. LEISEN. Was it your experience that the establishment of the municipal bureau found a good many positions that the man himself could not find, and that the private agencies did not get?

Mr. RAGAN. Unquestionably, I think so.

Commissioner O'CONNELL. Wasn't that an extraordinary condition, the snow-shovelling period you speak of?

Mr. RAGAN. It is extraordinary in that it happens once a year only.

Commissioner O'CONNELL. But at the time of putting so many people to work it gave you an extraordinary opportunity?

Mr. RAGAN. It did; but that happens every year. It just happens that we organized it at that time. That is a casual labor that will be placed every year.

Mr. LEISEN. Aside from snow shovelling, I had in mind—did you find a good many persons work that are found either by private agencies or men themselves?

Mr. RAGAN. Yes. You mean that were telephoned to us?

Mr. LEISEN. Yes.

Mr. RAGAN. Oh, yes; most of the jobs that were filled were.

Mr. LEISEN. Did you solicit business?

Mr. RAGAN. We solicited only by telephone. The best work by telephone, because we had nobody to send out and interest people in the bureau.

Mr. LEISEN. Can you furnish to the commission a copy of the report that you made of that investigation?

Mr. RAGAN. Yes, sir; I will have an extra copy made for the commission.

Mr. LEISEN. That is all.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MR. DAVID H. BRESSLER.

Mr. LEISENSON. How long have you been general manager of the Industrial Removal Office in New York City, Mr. Bressler?

Mr. BRESSLER. Over 12 years.

Mr. LEISENSON. And what was the purpose of the organization?

Mr. BRESSLER. The purpose of the Industrial Removal Office was to see to the distribution of Jewish immigration and population from the seaport cities, particularly New York City, in those sections of the country where there were better opportunities for employment.

Mr. LEISENSON. Can you describe the organization by which you accomplish that, or aim to accomplish that?

Mr. BRESSLER. We have what we call agencies throughout the country. In practically every important center throughout the United States we have volunteer committees, composed of representative men and women of the community, who have been taught to appreciate, I think, the value of the distribution of immigrants, and we place at their disposal a pay agent, whose duty it is to keep constantly in touch with the local labor market and situation and to notify us every two weeks what the condition of that labor market is, from which we are able then to judge what particular class of workers we should send to any given section of the country.

Mr. LEISENSON. You have a paid agent in each one of those cities?

Mr. BRESSLER. Practically.

Mr. LEISENSON. How many?

Mr. BRESSLER. Well, at this time we have something like 30, I think, but outside of those pay agents we have volunteer agents and volunteer committees in the smaller towns in the United States whose industrial opportunities are not large enough to warrant the payment of a salaried official.

Mr. LEISENSON. Do you consider it necessary to have a paid agent in the larger centers?

Mr. BRESSLER. Yes; absolutely.

Mr. LEISENSON. Will you state the reason why you can not depend on volunteer committees?

Mr. BRESSLER. Why, it takes an agent's entire time if he is going to be faithful to his job and going to find out what is going on; and, furthermore, he has got to take care of the people that are selected by the home office and who are sent to his community in accordance with his industrial reports. He must take them around to the job, make them comfortable when they get there, find a lodging house for them, and a dozen minor little duties—what we call friendly duties, duties of friendship, which makes the newcomer more at home and less of a stranger in his new environment—and we feel that no man can do this excepting a man who gives his whole time to it and is paid for it—makes it his living.

Mr. LEISENSON. When you send a man from one city to another, does he always go to a definite job, or does he sometimes merely come on the invitation of the agent when there is no job?

Mr. BRESSLER. It almost never happens. The agent must send us a regular report every two weeks as to the state of the industrial, or rather labor, market, which will tell us—if you permit me, I have brought along with me what I would call some exhibits. We send out a report, or rather a blank form of report, to every agent in the country, and he is asked to report the various industries at that time; for instance, in the woodworking industry, such as carpenters and cabinetmakers, carpenters and woodworkers, metal workers, building labor, the needle industry, and so on. We ask the average wages per week he might expect, number of working hours per day, conditions as to union, and general conditions, and remarks which he may consider pertinent in further illuminating the subject for us.

Mr. LEISENSON. Does your agent have definite applications for help on which he gives you that report, as to the demand in the woodworking industry, or is it merely a general idea?

Mr. BRESSLER. Both. Sometimes, when an agent is fairly well known in a community, the various industries that are acquainted with him will ring him up or write him and say, "We have use now for 2 or 3 or 10 carpenters, or cabinetmakers or bricklayers," or he will make a general survey of the situation, and he will find, for instance, in some months, the spring months, when the building industry is going on rather well, that bricklayers can generally

be used. He finds that out by speaking to foremen and bosses and employers of labor.

Mr. LEISERSON. Ordinarily, your agent does not run an employment office?

Mr. BRESSLER. No; absolutely not.

Mr. LEISERSON. So, ordinarily, he would not have a definite demand for the labor in that way; merely, he might call up and ask whether they are hiring people now?

Mr. BRESSLER. Yes; he goes around personally.

Mr. LEISERSON. Have you had cases where men were shipped to the city and then he could not find work for them?

Mr. BRESSLER. Sometimes; very rarely.

Mr. LEISERSON. What do you do in cases of that kind?

Mr. BRESSLER. If he can not be found a job in that particular town, we find out by telegraphing other agents in the vicinity where he can get a position, and send instructions to the local agent to forward that man to so and so, in any State, but that happens very rarely.

Mr. LEISERSON. Do you deal with Jewish people exclusively?

Mr. BRESSLER. Yes, sir.

Mr. LEISERSON. About how many do you distribute in that way?

Mr. BRESSLER. Well, we have distributed in the last 13 years about 75,000 souls.

Mr. LEISERSON. During the last year, how many?

Mr. BRESSLER. During the last year about 6,500.

Mr. LEISERSON. Mostly from the New York office?

Mr. BRESSLER. Practically from New York.

Mr. LEISERSON. Do the men pay any fees for this service?

Mr. BRESSLER. No, sir.

Mr. LEISERSON. Well, who supports your organization?

Mr. BRESSLER. It is practically the Baron Hirsch fund.

Mr. LEISERSON. Do you advance transportation?

Mr. BRESSLER. Yes, sir.

Commissioner O'CONNELL. Does the man return the transportation?

Mr. BRESSLER. Very infrequently. We don't ask it.

Commissioner O'CONNELL. He only volunteers?

Mr. BRESSLER. Yes, sir. We do not ask it; particularly if it is a case of a man who has got a wife and children.

Mr. LEISERSON. Is the man considered an applicant for charity at the time that he comes?

Mr. BRESSLER. No, sir.

Mr. LEISERSON. Would you give a man the same service if he had money of his own?

Mr. BRESSLER. Precisely the same service. You mean, if he has money of his own would we pay the transportation?

Mr. LEISERSON. Yes.

Mr. BRESSLER. No; we will not.

Mr. LEISERSON. You investigate his case, then?

Mr. BRESSLER. Yes, sir. I have this all here, the gradual steps.

Mr. LEISERSON. Did our investigator get a copy of that from you?

Mr. BRESSLER. Sir?

Mr. LEISERSON. Did our investigator get a copy of your report from you?

Mr. BRESSLER. I think he did. He did, a copy of our last annual report. He didn't get this; no; I don't think [indicating].

Mr. LEISERSON. The commission can have that?

Mr. BRESSLER. Yes. I brought this for the commission.

(The report referred to is marked "Exhibit A.")

Mr. LEISERSON. Do you think it would be advisable for the Federal Government, say, to do on a large scale what you do for those 6,500 people?

Mr. BRESSLER. I certainly do.

Mr. LEISERSON. Do you think it would be necessary to have this done only for non-English-speaking people, or would it be advisable for all classes?

Mr. BRESSLER. I think it should be done for all classes requiring it, regardless of whether they spoke English or not.

Mr. LEISERSON. Before you established your own organization, did you think of the private employment agencies that were doing this kind of work?

Mr. BRESSLER. I don't quite catch you.

Mr. LEISERSON. Did you think of using the private employment agencies for doing that kind of work?

Mr. BRESSLER. Well, they have not got the idea of distribution which underlies our work.

Mr. LEISERSON. The essential idea of your organization is what?

Mr. BRESSLER. Distribution of immigration and population from the crowded, or, rather, congested quarters of the large seaport cities.

Mr. LEISERSON. To get them westward.

Mr. BRESSLER. To get them to every section of the country.

Mr. LEISERSON. You don't follow them up, and if they lose a job in Texas, say, you don't consider it important to distribute them farther?

Mr. BRESSLER. We do follow them up, follow them up for a period of a year, and, for instance, last year's figures, at the end of the year we ascertained from the reports of our various agents that of the total number sent out for a given period—say, 10 months prior to the report—88 per cent were working in the cities to which they had been sent.

Mr. LEISERSON. Not necessarily at the same job?

Mr. BRESSLER. Not necessarily the same job; they might have changed jobs.

Mr. LEISERSON. What proportion come back eastward?

Mr. BRESSLER. Well, the reports of our agents would indicate that less than 5 per cent have come back, except, possibly, at a time like the present that there is an industrial slump; and I imagine quite a number are thrown out of employment, and, having no particular reason for staying in the new town to which they were sent, some of them might come back. I say this because I have seen quite a few that I recognize in our office in the last few months who were sent out at a previous time. But, altogether, very few come back, particularly in normal times.

Commissioner GARRETTSON. Is there any other organization that you know of performing a like service for a purely Jewish clientele?

Mr. BRESSLER. I don't know, sir.

Commissioner GARRETTSON. Then I want to ask a question, because, until you made the statement, I have been quite in the dark as to a certain condition I found in a Middle Western town. Do you authorize the practice on the part of your local representatives, probably nonpaid ones of the kind that you mention—volunteer agents—of accepting a fee per capita for every man of that class for whom they get employment?

Mr. BRESSLER. From whom?

Commissioner GARRETTSON. From the man himself, and usually collecting it through his employer.

Mr. BRESSLER. No, sir.

Commissioner GARRETTSON. What made me ask is, there is in a town that I know, a town of, say, 40,000 people, where there is a very large foreign population, where a good many men are secured from a recognized agent, who, I judge, is not salaried, for he is engaged in other pursuits himself, and they get—I know a number of other industries there get a very large number of Jewish immigrants. I won't say a very large number, but a considerable number; and, in one instance at least, I know the employer told me that he got those men from time to time, and that he always paid so much per head for them, collecting it from the man and remitting it to the agent.

Mr. BRESSLER. I don't know of any such thing. If you will tell me the name of the town I think I could answer specifically yes or no.

Commissioner GARRETTSON. Well, I would have to bear in mind that this information did not come to me as a commissioner; it came to me as an acquaintance, and was only—in fact, it never occurred to me that it was a part of an organized movement. I thought that this man was running an individual peonage system. That is what it amounted to.

Mr. BRESSLER. As a matter of fact, we make it a point to discourage the sending of any considerable number of people to any one town.

Commissioner GARRETTSON. Well, that town has a very considerable number of men of the race.

Mr. BRESSLER. Yes.

Commissioner GARRETTSON. It is a town that does a good deal of manufacturing; it has a large foreign-speaking population, and a very considerable number of those are Jewish immigrants.

Mr. BRESSLER. Yes.

Commissioner GARRETTSON. Do you raise any question over that, because this was connected with the same question—as to whether labor troubles exist?

Mr. BRESSLER. We do that from time to time. Every time we organize an agency, and every six months we send out a circular to all our agents throughout the country, again reminding them that in the case of a strike, or even or impending or threatening strike, they should telegraph us—not to use the mails, but to telegraph us at once—and to specify in what particular industry the labor trouble is threatened. And he is under the pain of instant dismissal if he ever takes any of our men and finds them positions in that particular sort of industry.

Commissioner GARRETTSON. Yes.

Chairman WALSH. Do you send out men designed to be agricultural laborers?

Mr. BRESSLER. Sometimes. But there is an organization in this city known as the Jewish Agricultural Industrial Aid Society. I think you have got Mr. Leonard G. Robertson subpoenaed; he is the manager of that society. It is devoted practically exclusively to finding opportunities on farms.

Chairman WALSH. How long has your organization been doing this work?

Mr. BRESSLER. About 13 years.

Chairman WALSH. Have you a sample here of your reports that are made from your outside districts?

Mr. BRESSLER. Yes, sir [exhibiting paper].

Chairman WALSH. Now, are the statistics that are kept in other cities kept in a uniform manner?

Mr. BRESSLER. Practically.

Chairman WALSH. And you have a follow-up system?

Mr. BRESSLER. Yes, sir.

Chairman WALSH. That tells you the industry the man has gone into?

Mr. BRESSLER. Yes, sir.

Chairman WALSH. His domestic situation, his family?

Mr. BRESSLER. Yes, sir.

Chairman WALSH. And after he receives his employment, his continuity in it, the disposition of his children, the schooling, and everything of that sort?

Mr. BRESSLER. Within a year of the time, we send a man, because it would be manifestly impossible to continue this indefinitely, especially when you consider that in the 13 years we have been doing this work we have sent out almost 75,000 people.

Chairman WALSH. What would you say that generally—I believe you gave some figures—that the statistics show of the number of those employees, or those laborers that you sent out—that remained in the community to which they were sent?

Mr. BRESSLER. In the last year—I have these figures on the tip of my tongue, because I have looked them over quite recently.

Chairman WALSH. Yes.

Mr. BRESSLER. It was 88 per cent.

Chairman WALSH. In some cases do they run as high as 95 per cent?

Mr. BRESSLER. Yes, sir.

Chairman WALSH. That is, the men shipped there in particular industries, the children went to the public schools, and they became a part of the life of the community in which they were sent?

Mr. BRESSLER. Yes, sir; take, for instance, Kansas City.

Chairman WALSH. That is what I had in mind; as I understand, 95 per cent of them maintain citizenship and become a member of the community.

Mr. BRESSLER. Yes, sir.

Chairman WALSH. Do you remember how many were sent there?

Mr. BRESSLER. I think I can tell you by looking up this report.

Chairman WALSH. Have you it in the report—the number sent to these various cities?

Mr. BRESSLER. Yes, sir.

Chairman WALSH. I will ask you this for my own information.

Mr. BRESSLER. We sent people to over 1,500 cities, and it would be difficult to remember how many in each city.

Chairman WALSH. I was going to ask—the cities of comparatively the same population. Do you send more to Kansas City than to other cities?

Mr. BRESSLER. I think we do.

Chairman WALSH. You think you send more there?

Mr. BRESSLER. I think we do.

Chairman WALSH. The local equipment that you manage to get cuts a figure in it, of course?

Mr. BRESSLER. Very much; because we have very adequate cooperation there.

Commissioner O'CONNELL. What do you say about ascertaining the wages, hours, and so on, and duties to instruct your people here before they go, as to the probable rate of wage?

Mr. BRESSLER. Our agent gives that report to us.

Commissioner O'CONNELL. And if the wages are poor and the conditions offered are not standard, you don't send them?

Mr. BRESSLER. No, sir.

Chairman WALSH. As a matter of fact, your agents assume the duty of looking out for these men when they first come there, as to fair working conditions?

Mr. BRESSLER. They are their friends, so to speak.

Chairman WALSH. Do they make a report of the number of those men who become affiliated with different crafts—labor organizations?

Mr. BRESSLER. Well, they have not been doing that systematically; but we encourage—in fact, we write to all our organizations that every man possible should join, as soon as possible, some organization that is going to mean the progress for his—industrial progress.

Chairman WALSH. As a matter of fact, what do you find out about them?

Mr. BRESSLER. They join them.

Chairman WALSH. Do they readily go into labor organizations?

Mr. BRESSLER. Yes, sir; they join the unions.

Mr. LEISERSON. Can you give us an idea of the cost of placing those 6,500 men last year?

Mr. BRESSLER. We spent about \$130,000.

Chairman WALSH. Have you read this proposed law?

Mr. BRESSLER. Yes, sir.

Chairman WALSH. The tentative proposal?

Mr. BRESSLER. Yes, sir.

Chairman WALSH. Have you any suggestions to make with reference to them, or criticisms that you can make verbally here; or, if they are extended, could it be put in in manuscript form?

Mr. BRESSLER. I got this only on Saturday, Mr. Chairman.

Chairman WALSH. Then, Mr. Bressler, will you look over that and make any suggestions or criticisms?

Mr. BRESSLER. I have got it. I worked on it yesterday and permitted myself to put it down in writing, which I will be very glad to—

Chairman WALSH. Turn it over to our secretary. If there is any striking ones you would like to give us verbally, we would be glad to have it.

Mr. BRESSLER. I would like to read it, because you might want to question me on some statements I make; but I realize the time is short.

Chairman WALSH. How much of it is there?

Mr. BRESSLER. I have got a little over four pages.

Chairman WALSH. Well, you may read it, if there is no objection.

Mr. BRESSLER (reading):

"The intent of the proposed measure is primarily to increase the efficiency of labor agencies and by a proper cooperation between them and central clearing houses to connect the laborer with the job. There is no doubt that the bill presents many commendable features and that it will increase and improve the facilities for closer cooperation between employer and employee. It should increase the confidence of employers of labor in labor agencies, and by prohibiting a registration fee it will, on the other hand, likewise increase the confidence of the workmen in such agencies. Among the purposes of the proposed bureau is the following: 'To do everything that is possible to aid in securing the fullest application of the labor forces of this country.' Such purpose invests the bureau with a broad scope and implies the recognition that the unemployed situation may be ameliorated. What, it may be asked, is the most important factor in maintaining what is known as the reserve army of the unemployed? The most generally recognized cause is seasonal variation of business activity. According to the census of 1900, among masons and plasterers, more than one-half were out of work a portion of the year; of brick and tile makers, nearly one-half were at times unemployed; among paper hangers the proportion was 44 per cent; among carpenters and painters, over 40 per cent. In the same period more than one-fourth (27 per cent) of all tailors were out of work at the same period. To discuss whether or not such seasonal variation may be overcome is purely theoretical. However, there is a class of labor which is capable of shifting from one industry to another, and that is unskilled labor; unfortunately, the interchange of unskilled labor between various large industries throughout this country is restricted by the geographical location of these industries. In normal times it has been established that the large em-

employers of unskilled labor can not supply their demand. For example: The investigators of the United States Immigration Commission were informed that as regards the Birmingham iron and steel industry in Alabama the ordinary labor supply which may be relied upon continuously affords about 50 per cent of the total necessary to operate all plants and mines.

"According to an investigation made by the United States Bureau of Labor the demand for laborers of all kinds in all lines of industry greatly exceeded the supply during the year 1906. One of the great lines of railroads reported an increase in its construction and track gangs of 41 per cent in 1906 over 1905, and the president of one of the largest railroads stated: 'Our work was delayed in both years, 1905 and 1906, by the inability to get workmen.' No one will argue that the inability of these large labor-employing companies to get adequate labor is altogether due to a shortage in the supply, because it is well known that even in the best of times thousands of able-bodied common laborers are without employment. The main factor, as already indicated, is the inability of these unemployed common laborers to connect with the jobs, because, first, of their ignorance of the existing opportunities, and, second, even if informed, their inability to proceed to the point of employment.

"As to the first, the measures proposed by the bill should provide such laborers with the necessary information through the bulletins which it is intended that the bureau issue in all necessary languages. But the question is forced upon us: What provision can be made for that large number of unskilled laborers in a destitute condition by lack of funds for transportation? I think it is of high importance that this problem receive your very earnest consideration, for we have in our midst a preponderance of unskilled labor, and our immigration is largely composed of common laborers. If we consult the immigration figures for the last year we will find that out of almost 1,200,000 arriving immigrants only 160,108 were skilled, whereas of those termed miscellaneous (unskilled) there were 727,127; the remaining 297,188 had no occupation, but this number included women and children. Unquestionably, the bureau can not differentiate in favor of one class of employees as against another, but no class of workmen is more in need of guidance and information than is the unskilled laborer. He is the only one who is usually exploited, because of his need to accept anything which offers itself in the way of employment.

"Therefore, I venture to urge a consideration of the needs of the unskilled laborers, who, although provided with favorable information as to employment, will be unable to pay the fare to the designated point. In this connection, I want to cite the experience of the Division of Information of the Department of Labor at Washington, which is most illuminating. That division, since the year 1907, has concentrated its efforts to influence a distribution of our immigrants into industrially and agriculturally favorable sections of the country. In that period it has extended information to over 121,477 applicants, of whom only 25,299 availed themselves of the advice given and located in other sections of the country. It should be noted that in this same period 3,164,139 immigrants arrived. In explanation of this scant result, the division in its report for the year 1913, says, among other things: 'Transportation is still the great stumbling block to distribution. I am of the opinion that mileage issued by the Government and so arranged as to be honored by all railroads on presentation would be of great economy and value to the Government and to traveling seekers of employment if a plan can be perfected which will be acceptable to the transportation lines.'

"In this connection it is possibly in place to point out that yearly there is a considerable balance over and above the cost of running the Immigration Service for its various departments, such surplus being derived from the head tax paid by the immigrants themselves and now representing the substantial total of almost \$8,000,000. Might not use be made of this money which belongs to one class of our labor, namely, the immigrants, in bringing them and the job together? If deemed desirable or advisable, the Government might even arrange so as to merely advance the fare, to be refunded in installments by the employer, out of the wages of the employee.

III.

"Advisory council: Equal representation of employers and employees. What employees?"

"Whenever representation of employees is spoken of, we naturally have in mind those employees who are organized. These unquestionably should have

representation. But what about the preponderating element of employees who are not organized and whose interests should be safeguarded in determining the policies of the bureau?

"Section VII: Clearing house.

"This section as to the collating and distributing of information is somewhat vague.

"1. Is it intended that every clearing house in receipt of information send the same to the central bureau at Washington before distributing it direct to the labor agencies in its district? Or is it empowered to act immediately on this information and to prepare it in suitable form for both employer and employee in its jurisdiction? If the former, will there not be entailed a loss of time which may defeat the necessary timeliness so important in information of this kind?

"2. Has the commission considered the advisability of a clearing house in agricultural sections designed especially for that large number of peasant workers who are unable to procure the opportunity to work at their natural calling because of the peculiar economic conditions at the ports of entry which make it imperative that such laborers accept any form of employment for means of subsistence?

"In this connection, I desire to call attention to the fact that in the year 1913 alone, over 320,000 farm laborers arrived in this country, the greatest proportion of whom were compelled to seek employment in plants and factories for the reason above indicated. Especial effort should be made to place these workers on farms and especially in the southern sections of this country, which have long clamored for agricultural laborers, and whose regions are relatively undeveloped because of their inability to procure such farm laborers.

"The fate of the peasant immigrant in this country has long been the subject of comment. Time and again it has been demonstrated that as soon as these laborers accumulate a pittance, many of them leave this country to return to their native shores, there to buy a piece of land often valueless and at extortionate prices. It has been estimated by Lajos Steiner, possibly the best informed student of this question, that annually \$300,000,000 in immigrant savings is taken out of this country by departing aliens who could not satisfy in this country their land hunger."

Chairman WALSH. Have you observed, Mr. Bressler, the activities of the private employment agents?

Mr. BRESSLER. I have not made it a study, Mr. Chairman.

Chairman WALSH. Well, have you observed it, the way they go about getting work for people, etc.?

Mr. BRESSLER. To some extent.

Chairman WALSH. Now, would you say, from your experience, that these men that your association employs for the purpose of looking up jobs, are more lax in their endeavors than the men who are in the private business, or does each of them do the job as well or better?

Mr. BRESSLER. I did not quite get that.

Chairman WALSH. The point is this: It has been stated that if there was a State or governmental agency that had agents looking for jobs for people, that those agents would not be as active as private employment agents, who are spurred on by the simple question of profits in the business. Now, I am asking you if in your observation you have noticed any difference in the activities of the private agents looking for work and of your agents when they look for work as to the activity and the intelligence in securing the job.

Mr. BRESSLER. Naturally I believe that our agent is even more interested in finding and connecting the man with the job than the man who gets a fee for it.

Chairman WALSH. Although he is simply paid a salary for it.

Mr. BRESSLER. Yes.

Chairman WALSH. But he perhaps has other ideals and thoughts about it.

Mr. BRESSLER. Yes; he does more than just to get the man and the job together.

Chairman WALSH. Is there anything else?

Commissioner O'CONNELL. Just one point: I notice you raise a criticism as to the creating or determining of who should be representatives of the employers and of the employees.

Mr. BRESSLER. Yes, sir.

Commissioner O'CONNELL. You speak of the great body of the unorganized and its representation. How would it be possible to select from that great body

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of the unorganized any one person who would be satisfactory as a representative to that body?

Mr. BRESSLER. I have asked myself that question and have been unable to answer.

(Mr. Bressler subsequently sent the following communication to the chairman of the commission:)

INDUSTRIAL REMOVAL OFFICE,
174 SECOND AVENUE,
New York, May 19, 1914.

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
City Hall, New York City.

MY DEAR MR. WALSH: Yesterday, when I was on the stand, a member of the commission asked me how the unskilled laborers could be given representation on the advisory council of the proposed bureau—a representation which I suggested as being desirable. At the time I frankly confessed to my inability to answer the question, because I had not the opportunity to give the matter close thought. Since then I have deliberated on it, and beg to submit the following suggestion which may be considered as a supplement to the memorandum submitted:

The factor which complicates an intelligent handling of unskilled laborers is their lack of organization. We have little conception of what they are capable of in the way of efficient organization and the claims of the self-constituted I. W. W. leaders do not afford us any clue. However, an enlightened opinion is striving to formulate some policy with regard to the unskilled laborer so that his interests may be conserved. To this end, the commission may contribute, I believe, by appointing members at large of the advisory council of the proposed bureau whose interests would not be restricted to either employer or employee, but who would represent the public. In this capacity they could concern themselves with the problem and the needs of the unskilled laborer as part of the more general problem. They might include a prominent economist, a social worker, and a public man familiar with industrial disputes and having experience as arbitrator in such questions.

Very truly, yours,

DAVID M. BRESSLER.

Commissioner O'CONNELL. It would only be through some kind of organized force, would it not?

Mr. BRESSLER. No, sir; I think it merits the consideration of your commission as to how that can be done. I can not answer it off-hand. I would have to think it over very carefully; but the thing struck me the very first instant that I read it, and I thought it worth while suggesting it.

Commissioner O'CONNELL. We had the thought well under consideration. I assure you—while we have not yet thrashed it out, at all; but we wanted your suggestion.

Chairman WALSH. We thank you very much, Mr. Bressler. Now we will stand adjourned until 10 o'clock to-morrow morning. The hours that the commission has decided on for its sessions will be from 10 o'clock until 12.45, and from 2 o'clock until 4.30, and we will try very hard to observe those hours.

(Thereupon, at 4.30 o'clock p. m., the hearing was adjourned until to-morrow, Tuesday, May 19, 1914, at 10 o'clock a. m.)

CITY HALL, BOROUGH OF MANHATTAN,
New York City, May 19, 1914—10 a. m.

Present: Chairman Walsh and Commissioners Lennon, O'Connell, Ballard, Garretson, Harrihman, and Delano.

Chairman WALSH. The commission will please come to order. Put on your first witness, Mr. Leiserson.

Mr. LEISERSON. Is Mr. Coletti here?

Mr. WALSH. The sergeant at arms says he is not here as yet.

Mr. LEISERSON. Well, Mr. Wade Hampton.

Chairman WALSH. Take that chair, Mr. Hampton, please.

TESTIMONY OF MR. WADE HAMPTON.

Mr. LEISENBERG. Will you state your name and official position, please?

Mr. HAMPTON. Wade Hampton, general auditor of the Standard Oil Co., New Jersey.

Chairman WALSH. Take a seat, Mr. Hampton, please, right there.

Mr. LEISENBERG. Will you tell us the exact position that you are in, in charge of employment work for the Standard Oil Co.?

Mr. HAMPTON. I have to do with the employment principally of the clerical help for our New York offices, and incidentally act somewhat as a clearing house for other positions—other applications that might come before me for positions, different from those, in which case I would refer the applicant to the head of a certain department. That would end, so far as I was concerned, their employment.

Mr. LEISENBERG. Do you have charge of handling the labor gangs for the company?

Mr. HAMPTON. No, sir.

Mr. LEISENBERG. Did you have charge of that?

Mr. HAMPTON. Never did.

Mr. LEISENBERG. Is there anyone in your department that had charge of shifting gangs of men from one part of the country to another, when they are through with one job, going to another?

Mr. HAMPTON. Not directly with my department; no.

Mr. LEISENBERG. Can you tell us anything about that work?

Mr. HAMPTON. Only in a general way, previous to the dissolution of the Standard Oil Co. Of course, I refer to that case because at the present time I know nothing at all about what the segregated companies are doing. The employment, of course, of labor for the factories—that is, for the refineries—is one which is handled locally by each manager or superintendent of the works. There are almost altogether permanent labor pay rolls at all the plants, and with all companies, pipe line, gas companies, and others, except the construction gangs. These construction men constitute a special class of labor. They are tong men, principally; the pipe-line men and gas company's men are what they call tong men or pipe men; they are special men. As a rule, those men are shifted from one part of the country to another as the construction happens to be under way. If one company gets through with a gang of construction men, another company that knows of that work going on and which contemplates certain work of the kind, make arrangements for the entire gang to come over and perform the work for their company. I suppose that is largely done to-day; they simply get in touch with each other. We make no use whatever of employment agencies or bureaus and never have.

Mr. LEISENBERG. You have no one employment department that handles all the labor for your company?

Mr. HAMPTON. Have not.

Mr. LEISENBERG. Did you ever have?

Mr. HAMPTON. Never have. Each one of these companies, as a rule, takes care of its own labor.

Mr. LEISENBERG. With the exception of these tong men.

Mr. HAMPTON. Well, they take care of that in this way, that they confer with other companies with a view to ascertaining what chance there would be of engaging their gang when they are through with them.

Mr. LEISENBERG. There was no one employed by your company whose business it was to register these men and then transfer them from one part of the country to the other.

Mr. HAMPTON. Not particularly. The consulting engineer had in mind this work going on all over, and he kept in touch with the foremen of these gangs.

Mr. LEISENBERG. Have you ever had up for discussion in your company the establishment of such an employment office for all your help?

Mr. HAMPTON. Never have; never felt the need of it.

Mr. LEISENBERG. Except with regard to clerical help.

Mr. HAMPTON. Well, that bureau of employment is established for the reason that we have so many applicants come into 26 Broadway, there must be some office wherein or whereat they can file their application and can be interviewed, and their applications, of course, have to be classified, indexed, etc.; and then if any one of these departments wishes a certain kind of help they come to my office and look over the applications.

Mr. LEISENBERG. Did you receive a copy of the proposed plan of a system of labor exchanges?

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Mr. HAMPTON. I did.

Mr. LEISERSON. Have you any criticism or suggestions to make in regard to that?

Mr. HAMPTON. I have hardly had time to study it. I only received the pamphlet yesterday.

Mr. LEISERSON. Will you give the commission your criticisms and suggestions in writing?

Mr. HAMPTON. Why, I have no objection; I don't know that I can offer very much, as I have had but very little experience, except with our own company.

Mr. LEISERSON. That will be all, Mr. Hampton.

I will call Mr. Carpenter.

TESTIMONY OF MR. EDWARD W. CARPENTER.

Mr. LEISERSON. Will you state your name and your business connection?

Mr. CARPENTER. I am not connected now in any business at all. My name is Edward W. Carpenter.

Mr. LEISERSON. You were formerly the superintendent of the National Employment Exchange?

Mr. CARPENTER. I was manager.

Mr. LEISERSON. Manager?

Mr. CARPENTER. Yes, sir.

Mr. LEISERSON. For how long?

Mr. CARPENTER. Five years.

Mr. LEISERSON. From the time of its organization?

Mr. CARPENTER. Yes, sir.

Mr. LEISERSON. When?

Mr. CARPENTER. April 1, last year.

Mr. LEISERSON. Of this year?

Mr. CARPENTER. Yes, sir.

Mr. LEISERSON. Will you please tell what the purpose was of organizing the National Employment Exchange when you had charge of it?

Mr. CARPENTER. To obtain employment for skilled workmen, laborers, people seeking office positions, executives, and engineers.

Mr. LEISERSON. Will you please tell the commission just who was back of it and how it was organized, in order that they might understand the purpose of it?

Mr. CARPENTER. It was composed of about 29 of the leading men of this country; Mr. Otto T. Bannard was president; John R. McArthur was vice president; a fellow named Wahrburg, treasurer; Eugene H. Onderbridge, secretary; Mr. Jacob H. Schiff was one of the directors; Mr. Francis L. Hine; Robert W. De Forrest; and L. V. Loree.

Mr. LEISERSON. How did they come to be interested in the proposition of establishing a labor exchange?

Mr. CARPENTER. It was established at the suggestion of Mr. Schiff. He had an investigation made of the employment offices and the need of such an exchange, which was made by Mr. Edward T. Devine, of the Charity Organization Society. The outcome of that investigation was the formation of the National Employment Exchange.

Mr. LEISERSON. Will you tell the commission the reasons which led you to believe that such an exchange was necessary in the city of New York or in the Nation?

Mr. CARPENTER. There had been a great deal of comment as to the way many of the ordinary private agencies had been conducted, and they thought they would be able to improve matters if they went into this field.

Mr. LEISERSON. The investigation, then, so far as you know, showed that the private agencies, private employment agencies, were not meeting the situation?

Mr. CARPENTER. Well, I suppose that was the result.

Mr. LEISERSON. Do you know whether Dr. Devine reported to that effect?

Mr. CARPENTER. He issued a book. I don't just recall. It was quite a lengthy report, and he seemed to think that there was a great need of an institution such as the National Employment Exchange.

Mr. LEISERSON. When you took charge of this work you thought also there was such a need for such an institution?

Mr. CARPENTER. I had not gone into it at that time when they asked me to take charge of it. I had been in the contracting business prior to that time, and my principal work was building railroads. I had conducted such work in various States—Iowa, Illinois, Virginia, West Virginia, Indiana—and, of

course, I came in contact with most of the employment offices in obtaining men for my work, and they thought I was fitted for conducting the exchange on account of that experience.

Mr. LEISENBERG. And on that experience did you think the private employment agencies were meeting the need in regard to supplying labor to employers?

Mr. CARPENTER. They did not always meet our need, and at that time, of course, I was a little doubtful as to whether they were conducting the agencies properly or not. After I got into the business I found that it was not always possible to obtain men.

Mr. LEISENBERG. As a result of your five years' experience in charge of this exchange, do you think that the ordinary private agency, aside from your own, are meeting the situation in regard to employment?

Mr. CARPENTER. They are doing a great deal of good, there is no question about that. There are many of the agencies that are run by unscrupulous people, and they should be put out of business, in my opinion; but I think that any honest agency that is conducted properly should be encouraged to keep in the field.

Mr. LEISENBERG. Do you think it is possible, leaving it in private hands—leaving this business in private hands—for them to properly take care of the whole field of bringing employer and workman together?

Mr. CARPENTER. I am not so familiar with the conditions in some of the larger cities as I am in New York City. I am somewhat familiar with Pittsburgh and Chicago and Omaha and in the Virginias.

Mr. LEISENBERG. Tell us what you know, from your own experience, wherever it may have been.

Mr. CARPENTER. In most of the places there seem to be sufficient agencies. The great trouble is that under normal conditions you are unable to get men. That was the experience with the National Employment Exchange. We had very little trouble in obtaining orders for men during normal conditions. Our great trouble then was to obtain the men to fill our orders. Under conditions as they exist now the trouble is to get the orders. There are plenty of men to be had.

Mr. LEISENBERG. From your experience with the National Employment Exchange, was it your idea that this exchange was to supplant the private agencies?

Mr. CARPENTER. Oh, no; we had not any idea of putting the private agencies out of business; that was not the idea of the exchange at all. It was just another idea—aid—that could be put on a larger basis. That is what the directors hoped to do. In fact, they hoped to have a network through the United States of offices.

Mr. LEISENBERG. You thought there was not enough connection between the private offices run on the competitive basis, and the thing that was necessary was the large national exchange to cover the country?

Mr. CARPENTER. Yes, sir. That is what they had in mind when the exchange was organized, as I understood it.

Mr. LEISENBERG. Then, is the result of your experience that the bigger the scale on which the business is run the more effectively it can get the results desired?

Mr. CARPENTER. Well, I think if there were a system of offices throughout the United States one office would benefit the other.

Mr. LEISENBERG. Do you think necessarily that some must be under one head, or by getting competing employment agencies to cooperate?

Mr. CARPENTER. I think you ought to have competition. As I stated before, under normal conditions men are very hard to obtain, and one office located in any large city could not possibly meet the situation.

Mr. LEISENBERG. If you have many employment agencies, aren't you against the same difficulty that you are when you have no agencies—the men go to one office and the demand for men may be in another office?

Mr. CARPENTER. There is such a thing as having too many agencies, where it would be impossible for a man to know just where, just what agency for him to go to, to obtain work. If the National Employment Exchange was left in the field alone, we would have to have several offices in the city of New York to handle the situation right here. One office can not ship out as a rule more than one gang of men a day. As soon as you have two or three gangs going out of the same office the men become confused, and after they have been assigned to one job they talk to the men of another gang, and they want to switch and go with the other men. It causes a great deal of confusion. For

that reason we ought to be able to combine more than one office in New York, so we could put out more than one gang.

Mr. LEISENSON. But your idea is that several offices are needed merely to help the work, but that these offices are better under one management than under different managements?

Mr. CARPENTER. I would not say that. There are some men that we have dealt with we did not want to deal with again. Some employers, our relations were not satisfactory, and just because we were dissatisfied with our relations with them is no reason why they should not have an opportunity to obtain men through some other house. The same with the workmen. Sometimes the workmen did not treat us in the manner we thought they should, and, of course, naturally we declined to find employment for them the second or third time, and those men should be privileged to go to some other place and find work.

Mr. LEISENSON. Can you tell us what the results of the five years' experience of the National Employment Exchange was? I mean, do you consider that it succeeded in doing what it started out to do?

Mr. CARPENTER. Well, no; it did not.

Mr. LEISENSON. Well, will you tell us the reasons?

Mr. CARPENTER. Our main reason, we could not obtain men when we had the orders. I am speaking now exclusively of the manual-labor branch. I take it you are not so interested in the office positions.

Mr. LEISENSON. We are interested in all of them.

Mr. CARPENTER. Well, occupations must be taken up separately. I don't believe the situation pertaining to office people would pertain to laborers.

Mr. LEISENSON. You wish to speak of manual labor?

Mr. CARPENTER. Yes.

Mr. LEISENSON. Your main reason for not succeeding there was that you could not get enough men during the ordinary prosperous times?

Mr. CARPENTER. To fill our orders; yes.

Mr. LEISENSON. Did you make any effort to go out and get the men?

Mr. CARPENTER. Yes; we made considerable effort. We canvassed the parks, and we had cards—what we called throw aways—and we advertised in many of the foreign papers, and even sent out men to Elizabeth and Passaic and around other near-by towns, where we heard there were men out of work.

Mr. LEISENSON. Will you explain to the commission just the character of the laborers wanted were—just what kind they were—railroad or—

Mr. CARPENTER (interrupting). Well, we wanted them for factories and foundries and railroad construction, State road work, canal work, etc.

Mr. LEISENSON. Practically, that's true for all the five years of your experience, that you could not get enough men?

Mr. CARPENTER. Absolutely; yes.

Mr. LEISENSON. What do you say was the reason for that shortage of labor?

Mr. CARPENTER. Well, there didn't seem to be enough men to fill the positions; that is, enough men who were willing to work. There were plenty of men around the parks idle, but they did not want work.

Mr. LEISENSON. Was there anything in the conditions of employment, do you think, that made men feel that they did not want to work at that kind of work? Were the wages low, for example?

Mr. CARPENTER. No; the wages were always very good.

Mr. LEISENSON. What were the wages?

Mr. CARPENTER. Well, it would vary, anyway, from \$1.60 for 8 hours to \$2 for 10 hours, sometimes.

Mr. LEISENSON. What would be the wage during the summer time when this demand is great—what would be the normal wage in the city for common laborers?

Mr. CARPENTER. Well, they always paid a little more in the city. We did not have many orders from the city.

Mr. LEISENSON. Do you think that had anything to do with it—if they were paying 25 cents an hour here, the men would not go for something less?

Mr. CARPENTER. Not at all.

Mr. LEISENSON. You think that had something to do with it?

Mr. CARPENTER. No.

Mr. LEISENSON. How about the conditions of housing or board, where the men would get their board? Did that have anything to do with the men not wanting that work?

Mr. CARPENTER. Well, in some cases; yes. We always paid particular attention to that. My several years' experience in the contracting business, I knew

about what the men ought to have in the way of camps, and I would always instruct our men who took these men to destination to look into the camps, and if they were not suitable to make recommendations to the foremen or the superintendent or the owner.

Mr. LEISENBERG. Did you have a regular system of inspection of the places of employment?

Mr. CARPENTER. Only that the man who was to take these men to the destination was instructed to look into the camps and see if they were clean and they had blankets and stoves and things necessary.

Chairman WALSH. What were the orders about the equipment, the specific orders about the equipment of camps? What were the specific orders you gave about the standard equipment of camps?

Mr. CARPENTER. There wasn't any specific orders, particularly, other than that the man was instructed to see that they had suitable living quarters, sleeping, and also cooking utensils and accommodations that would encourage them to remain on the work.

Chairman WALSH. Was this before or after the men were hired?

Mr. CARPENTER. This was at the time the men were taken right to the camp. Our men often would go with the foreman right at the time, and go to a town and buy blankets, or things that he thought were necessary to make the men comfortable.

Chairman WALSH. He made the company do that, did you say?

Mr. CARPENTER. We could not make the company do that, but we told them it was advisable for them to do it; it was to their interest to do it.

Mr. LEISENBERG. Was that done in many cases?

Mr. CARPENTER. Was it done?

Mr. LEISENBERG. Yes?

Mr. CARPENTER. Oh, many places; yes, sir.

Mr. LEISENBERG. Were there cases in which your pilot had taken men and found the camps unfit for use?

Mr. CARPENTER. Well, not so many. We were rather particular as to whom we took orders from.

Mr. LEISENBERG. You had no set standard that you required; for instance, so many cubic feet for each sleeping party?

Mr. CARPENTER. No.

Mr. LEISENBERG. But it was just the general opinion of your pilot?

Mr. CARPENTER. Yes.

Chairman WALSH. How about the food?

Mr. LEISENBERG. Yes; any requirement about the food?

Mr. CARPENTER. Well, about the food, if we would learn that the commissary prices were high, we would take that up with the employers, and tell them that they ought to reduce the prices of food, otherwise the men probably would not remain there. We were anxious, of course, that all men we furnished should remain on the job.

Chairman WALSH. Upon what do you base your conclusion as to the reasonableness of the charge for food in the commissary?

Mr. CARPENTER. Well, we have a general idea as to what commissary supplies cost. It would depend a great deal on the distance from a railroad station. Some places they would be charging 10 and 15 cents for a loaf of bread, where we would object to that and tell them they ought to reduce that price.

Mr. LEISENBERG. Were your objections effective in those cases?

Mr. CARPENTER. In many cases; yes.

Mr. LEISENBERG. Were you in a position to learn of the majority of cases of extortionate prices?

Mr. CARPENTER. We encouraged the men we furnished to write us and let us know the conditions after they arrived there.

Mr. LEISENBERG. Have you any idea the total amount of deductions that was made from the men's pay for board and lodging?

Mr. CARPENTER. Oh, that would vary. Some men would eat more than others.

Mr. LEISENBERG. Well, for the \$1.60 a day man, on the average, how much would he have to pay for board and lodging?

Mr. CARPENTER. Well, you take with the Italians, they live very cheaply. My experience is that their deductions would average somewhere around about \$9 a month.

Mr. LEISENBERG. They boarded themselves?

Mr. CARPENTER. Yes; all these men boarded themselves.

Mr. LEISEN. There are no cases where the company furnishes the board and deducts the amount?

Mr. CARPENTER. Yes; in some cases, but not very many. Most of the foreigners furnished by us preferred to board themselves—preferred their own way of cooking and their own cooking. They can live much cheaper that way.

Chairman WALSH. Where did they get the foreigners?

Mr. LEISEN. Where did you get the foreigners and Italians?

Mr. CARPENTER. We had an office at 56 Cooper Square. That is still located there, and that is just on the outskirts of the foreign settlement in New York City—that is, one section—the East Side section.

Chairman WALSH. Did you have somebody in that office that made a special effort to get these men when they came in or when they were located there?

Mr. CARPENTER. Yes; we had interpreters at all times.

Chairman WALSH. And they solicited them, did they?

Mr. CARPENTER. Yes; sometimes we would send men over to where they resided, and to coffee houses where they would hang out during the daytime, and offer what work we had to them.

Chairman WALSH. Did you have any special persons with whom you connected with them of their own nationality? You had an organization of your own that kept in touch with the leaders of the foreign colonies?

Mr. CARPENTER. Well, there were not any leaders of the class we furnished, particularly. Our men were—

Chairman WALSH (interrupting). Who did you connect with in the foreign colony to find out what men you could get to come?

Mr. CARPENTER. The men we hired as solicitors for us were men from their own nationality. They would go over to the East Side and if they saw three or four men standing talking that looked like laborers they would approach them and ask them if they did not want work. Sometimes they would and sometimes they would not want it.

Chairman WALSH. Let me ask you. You mentioned about the Italians that board or live cheaply and that live together. Would you send them out to a specific place in a group if possible?

Mr. CARPENTER. Yes; but we did not furnish many Italians.

Chairman WALSH. What other nationalities were there?

Mr. CARPENTER. Polish, Russians. We furnished more Polish and Russians than any other nationalities.

Chairman WALSH. Was there a desire on the part of any particular industry for any particular nationalities?

Mr. CARPENTER. Well, they would want a foreign nationality, such as Slavish people or Italians. Italians, as a rule, are very hard to get, and the agencies seem unable to get Italians any more.

Chairman WALSH. Why are they hard to get?

Mr. CARPENTER. They go out on work on their own accord. They don't patronize the agencies as much as they used to.

Chairman WALSH. What particular industry, for instance, would you say, favored any particular nationality? Have you observed that? Was there any particular industry, for instance, that would rather have Russians, and others would rather have Italians, and others rather have Slavs?

Mr. CARPENTER. No particular industry. Employers have their ideas as to the nationality they like. Some prefer Hungarian, some Polish, some Russians, some Italians.

Chairman WALSH. What industry would you say would prefer Hungarians? Just give me an idea?

Mr. CARPENTER. Foundries and factories prefer Hungarians; and railroad construction, why, they prefer Italians or the Slavish.

Chairman WALSH. And are you so notified?

Mr. CARPENTER. Yes; as a rule they would specify them; as a rule give you two or three different nationalities that they would prefer.

Chairman WALSH. You say that they did prefer foreign people? Why did they prefer foreign people?

Mr. CARPENTER. Well, the foreign people would do the kind of work they wanted done, whereas the Americans wouldn't do that sort of work any more. English-speaking people don't care to handle the pick and shovel any more. They seem to obtain a higher grade of work.

Mr. LEISEN. You maintain three offices for manual labor?

Mr. CARPENTER. No; maintain two.

Mr. LEISENBERG. Manual labor, regular employment offices, and you have runners to get men to come to the offices and register?

Mr. CARPENTER. Yes, sir.

Mr. LEISENBERG. And what proportion of the total business that you handled for manual labor were foreigners, and what proportion English-speaking American?

Mr. CARPENTER. Oh, I would say that about 80 per cent were foreigners.

Mr. LEISENBERG. Now what fees do you charge those men?

Mr. CARPENTER. We charge the men \$2.

Mr. LEISENBERG. For a common-labor job?

Mr. CARPENTER. For a common-labor job. That was always deducted from their wages. In some cases the employers, when men were hard to get, the employer would say: "Don't ask any deduction from the men. I will pay that fee."

Commissioner O'CONNELL. Does the employer pay, too?

Mr. LEISENBERG. You ordinarily require the employer to pay a fee besides—

Mr. CARPENTER (interrupting). We did not the first three years we were in business, but a year ago I asked the employers to pay a fee in addition to the workmen. We were unable to conduct the exchange and do sufficient business to make it self-supporting with the one fee.

Mr. LEISENBERG. So that made \$4 for a common-labor job?

Mr. CARPENTER. Yes, sir.

Mr. LEISENBERG. Required from the employer and the employee?

Mr. CARPENTER. Yes, sir.

Mr. LEISENBERG. Do you think the fee has anything to do with the fact that you could not get enough men?

Mr. CARPENTER. Oh, no, not at all. All the laborers pay a fee, and they made no objections to that. We did not have any trouble on that.

Mr. LEISENBERG. Have you ever found that State free employment offices, that give this service free, have any difficulty in getting the laborers?

Mr. CARPENTER. Why, they seem to have as much difficulty as agencies charging a fee.

Mr. LEISENBERG. They do?

Mr. CARPENTER. I think so, as nearly as I can learn.

Mr. LEISENBERG. Did you have much difficulty in getting the transportation charges for the men to places from New York?

Mr. CARPENTER. No; invariably the employers would advance the fare; in some cases they would deduct it and in some cases they would say if the men remained 60 days they would not make any deduction. That was usually the case.

Mr. LEISENBERG. You think, then, that if a national system of exchanges were established, such as was your plan, or one by the Government, there would not be much difficulty in getting people who actually wanted to go to work—that is, manual labor, to the places of employment?

Mr. CARPENTER. It would depend on the distance.

Mr. LEISENBERG. Well, how far?

Mr. CARPENTER. Well, where the fare gets much over \$10 the employers are not inclined to take the chance; there have been too many cases where the men have not remained at work, but go on farther to other destinations, and they had been out the fare. They do not want to take that chance.

Mr. LEISENBERG. Did you ever make any efforts to see that the men did not abuse that privilege?

Mr. CARPENTER. Oh, yes; we tried in every way to select the men who are really sincere in wanting that particular work.

Mr. LEISENBERG. And how successful were you in that?

Mr. CARPENTER. We were quite successful. Along when we first opened we lost quite a number of fees, but toward the last we did not lose many. I think we shipped about—I don't recall the exact number—but I think we shipped out to the Youngstown Sheet & Tube Co., Youngstown, Ohio, where the fare was something like 10 or 11 dollars, something over a thousand men—twelve hundred men. I don't think out of the twelve hundred men there were over 30 that did not go to work.

Mr. LEISENBERG. You think, then, that if the office is managed by an efficient, experienced man, he can practically take care of the transportation proposition—getting the fare from the employer?

Mr. CARPENTER. Well, that is pretty hard to tell sometimes.

Mr. LEISEN. But up to about \$10 you think there would not be much difficulty, and if the rates could be lowered for transporting workmen in some way, so that \$10 might take a man, for instance, to Chicago, or farther, might it not—

Mr. CARPENTER. Yes.

Mr. LEISEN. So that for a distance of almost a thousand miles it would be possible, without advancing the transportation directly through your agency or through the Government, to get men distributed by the employer advancing the fare?

Mr. CARPENTER. Well, it would cost up to \$16 apiece to get them to Chicago.

Mr. LEISEN. It does now.

Mr. CARPENTER. About \$16, I think. May not be able to get that rate. I don't know, or don't just recall.

Mr. LEISEN. You get no reduced rates for shipping large numbers of workmen?

Mr. CARPENTER. Yes; you get a party rate of 10; that is all; or in some cases you can buy mileage and get 2 cents a mile.

Mr. LEISEN. Would you think it advisable for the Government to advance transportation for laborers in such cases?

Mr. CARPENTER. Well, that requires—I would not want to express myself on that.

Mr. LEISEN. Do you think it is best for an employment exchange to be organized on a national basis, or a philanthropic agency, such as you were connected with? That is, do you think the experience you have had with it so far is conclusive that it can not be done, or, rather, that there were some things in it that merely prevented that particular experiment succeeding?

Mr. CARPENTER. I have concluded it can not be done and made self-supporting yet.

Mr. LEISEN. Then, your conclusion would be that the general public would have to support an institution of that kind?

Mr. CARPENTER. Yes.

Mr. LEISEN. Do you think it is a desirable thing, or do you think it is advisable for the Government to incur that expense?

Mr. CARPENTER. Well, I think that the Government ought to control the agencies—any agency doing an interstate business—and I am rather inclined to think the Government should establish offices; but I should not advise that there should be a network all over the United States to begin with. I think you should go slow about it.

Mr. LEISEN. Well, let me get your point. You think the organization of the labor market on a national basis, bringing the man and the job together from all parts of the country, can not be done and made self-supporting?

Mr. CARPENTER. No; I don't think so.

Mr. LEISEN. That is, that would apply to philanthropic as well as private agencies?

Mr. CARPENTER. Yes, sir.

Mr. LEISEN. That it can not be done properly as long as it has to support itself?

Mr. CARPENTER. That is right. There is only about six months in the year to do the work.

Mr. LEISEN. Yes; now, then, what we would like to know is, whether you think it is advisable for the Government to support it—whether the service is worth it.

Mr. CARPENTER. I don't know. I would like—

Mr. LEISEN. (interrupting). Well, what do you think is accomplished by bringing the man and the job together? Is there any great saving in wealth to the country?

Mr. CARPENTER. They might facilitate matters and shorten the time, but I think eventually all the work—all the jobs are filled.

Mr. LEISEN. Would an agency like those eliminate suffering on the part of the unemployed, say for a week or any appreciable time, if you get the man to the job faster?

Mr. CARPENTER. Yes; I think it would.

Mr. LEISEN. Wouldn't that in itself be a very desirable thing for the Government to spend money for?

Mr. CARPENTER. There is no question but what it would be a help.

Mr. LEISEN. Well, wouldn't the supplying of men to employers, two days or three days earlier than the men can find it themselves, be a saving to the production of the country?

Mr. CARPENTER. Naturally.

Mr. LEISERSON. So, wouldn't you say, then, that whatever expense the Government might go to would be justified from the results that would come to both sides?

Mr. CARPENTER. Depends upon what the expense would be.

Mr. LEISERSON. What would you consider a reasonable expenditure?

Mr. CARPENTER. I am not in a position to express myself on that.

Mr. LEISERSON. Did you get a copy of the plan of the commission—

Mr. CARPENTER (interrupting). Yes.

Mr. LEISERSON. Have you any suggestion or criticisms to make in regard to that?

Mr. CARPENTER. I think the plan a very good one, but I might make one or two suggestions. I rather lean to the New York State law. I think that is a very good law, if enforced.

Mr. LEISERSON. How does this differ from the New York State law?

Mr. CARPENTER. Why, it is practically the same, except you have left out some of the requirements that the State law enforces, or asks that the agencies conduct their business under.

Mr. LEISERSON. You would say that your experience would make you inclined to support a plan of organization for the labor market such as is proposed here?

Mr. CARPENTER. Yes; I think so; if you do not eliminate the private agencies.

Mr. LEISERSON. You don't think the private agency should be eliminated, but should be regulated in accordance with—

Mr. CARPENTER (interrupting). That is absolutely the question in my mind, is whether the Government offices would be successful.

Mr. LEISERSON. What are the reasons you think the Government office might not be as successful as a private or philanthropic office?

Mr. CARPENTER. Well, there is a good deal of politics in this country—favoritism, you know.

Mr. LEISERSON. Don't you think the creation of an advisory council in this plan, which would have the same control in the examining of candidates as a civil service examination—have the same control—that a civil service examination would secure, that that would tend to eliminate politics? Did you give any attention to that advisory council provision?

Mr. CARPENTER. As to the men who were to take charge of the branches, you mean?

Mr. LEISERSON. No; the director of the plan of labor councils—

Mr. CARPENTER (interrupting). Yes, sir.

Mr. LEISERSON. Would have an advisory council composed of an equal number of representatives of employers and of workmen. This council would act as an examining board for the Civil Service Commission. Don't you think that kind of a direct relation of the interests involved of the employers and the workmen, united with the selection of the office force in that way, that that would tend to eliminate politics?

Mr. CARPENTER. Well, it would have a tendency to do that.

Mr. LEISERSON. Have you ever heard of cases where that was done in Europe or in this country?

Mr. CARPENTER. No; I have not. The State, for instance, in conducting labor exchanges—my opinion would be that if there was quite a shortage of men, and one certain contractor who has a stand in with the officials of the State wanted 100 men, he would have a preference over some other contractor who did not have as much influence.

Mr. LEISERSON. You think he would?

Mr. CARPENTER. I think he would; yes.

Mr. LEISERSON. Have you ever known cases of employment agents—State employment agencies—where that happened?

Mr. CARPENTER. I have not known any State employment agencies.

Mr. LEISERSON. And you merely deduce that as a logical thing that might happen?

Mr. CARPENTER. Yes, sir.

Mr. LEISERSON. That is a thing that happens now with private employment agencies—they favor whomever they want to?

Mr. CARPENTER. Yes, sir.

Mr. LEISERSON. And you know of no cases of public employment agency where they were not absolutely impartial?

Mr. CARPENTER. No; I don't know of any public employment agents that furnish laborers other than the Government office there at the Battery.

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Mr. LEISENBERG. You were not acquainted with Wisconsin or Illinois employment offices?

Mr. CARPENTER. Only in a general way; I have read their reports.

Mr. LEISENBERG. You don't know that they are run impartially and that no preference is given to one class of employers or employees?

Mr. CARPENTER. No, sir; I have not talked to anybody who has any information.

Mr. LEISENBERG. The commission would like to have you write any suggestions in detail in regard to this plan, if you will, please.

Mr. CARPENTER. Yes, sir.

Commissioner LENNON. What effect does the competency and habits have upon the retention in a job?

Mr. CARPENTER. Well, as to the—

Commissioner LENNON. As to the people you send out through those agencies?

Mr. CARPENTER. It has every effect on them.

Commissioner LENNON. Is this incompetency, as it may be called in some instance, a result of habit or lack of opportunity to children to learn to do something effectively? Have you studied men to any extent, and women, that you have dealt with?

Mr. CARPENTER. Naturally, I have observed them. I have employed many men myself, and there are some men who are hard workers, industrious, and want to work, and there are many others who will not work, and it is pretty hard to attribute why they won't work or why they are held idle to any particular thing. It seems a disease. No matter what penalty you may inflict, they will not do differently. The same as a burglar; he might serve five or six years, and when he comes out he goes right back to burglarizing again, as a rule. If you put a man on a work farm and on account of idleness, he would probably still remain idle. I don't think it could be corrected. You might save some men before the disease gets hold of them, but I think idleness is a disease that after it once gets hold of a man it is pretty hard to get it out.

Commissioner LENNON. Can not the relief from this be applied when they are young, when they are in their formative condition, so as to make boys come into manhood competent to do something?

Mr. CARPENTER. Well, I think that we ought to have more trade schools than we have; teach a man a trade so that he will have something higher to look forward to than the ordinary laboring chap.

Commissioner LENNON. What are the habits that, to you, seem to destroy the most of men's ability to hold a job?

Mr. CARPENTER. Liquor is one.

Commissioner LENNON. That is all I have.

Commissioner GARRETSON. You stated, Mr. Carpenter, that the difficulty that confronts you strongly under normal conditions is that you could not get the men.

Mr. CARPENTER. Yes, sir.

Commissioner GARRETSON. Did the commercial agencies get any greater proportion of men and what was desired from them than you were able to get?

Mr. CARPENTER. I don't think so; I think we got our share of the men.

Commissioner GARRETSON. It was simply under those conditions, man's shortage?

Mr. CARPENTER. Yes, sir.

Commissioner GARRETSON. It was not on account of any feeling of any kind toward your agency on the part of the men?

Mr. CARPENTER. No; I don't think so.

Commissioner GARRETSON. You made the statement that the American does not care to handle the pick and shovel any more. Is it because the American does not care to handle the pick and shovel any more, or is it because a cheaper grade of men have kept the wage down until the American can not live to standards that are set by the pick and shovel men without lowering their standard? You speak of this or that race living cheaply. To compete with them on the pick and shovel, would not the American have to come to a similar standard?

Mr. CARPENTER. I don't think so. I think the wages have been pretty good in construction camps. It depends on the line of business. In some factories they do not pay very much, but the same Americans will work as porters or drivers in the city, and they won't make as much money as laborers make.

Commissioner GARRETSON. But they probably have a continuity of the service in the lower grade of pay that gives them a far larger earning per year?

Mr. CARPENTER. Yes, sir.

Commissioner GARRETSON. Than the higher occasional man?

Mr. CARPENTER. Yes, sir.

Commissioner GARRETSON. Would get elsewhere?

Mr. CARPENTER. That is probably true. They probably have work the year-around with the lower wage, but if they go out on the construction work they have about six or seven months' work.

Commissioner GARRETSON. We will take one of the commonest pick and shovel pursuits, the section men, the American has almost wholly disappeared from that, hasn't he?

Mr. CARPENTER. Yes, sir.

Commissioner GARRETSON. That is all the year around work?

Mr. CARPENTER. Yes, sir; that is, as a rule, all the year around, with the exception of the extra gang.

Commissioner GARRETSON. When an extra gang on a railroad, for instance, I am using the trade terms—

Mr. CARPENTER. I understand.

Commissioner GARRETSON. Service gang or construction gang, for any purpose, are being paid what you quote as a reasonable wage, working half a mile from them would be a class of section men that are paid far less, wouldn't there?

Mr. CARPENTER. Yes; they do not pay the section men quite as much—the regular section men—as they do the extra gangs.

Commissioner GARRETSON. There is no instance, in fact, where they do, is there, within your knowledge?

Mr. CARPENTER. No, sir; not within my knowledge.

Commissioner GARRETSON. Does your agency employ any runners direct to the immigration stations?

Mr. CARPENTER. No, sir; the law does not permit us to.

Commissioner GARRETSON. That is all, Mr. Carpenter.

Chairman WALSH. Call your next.

TESTIMONY OF MR. GEORGE A. MARR.

Mr. LEIBERSON. Will you explain what the Lake Carriers' Association is, please? First state your name and your position.

Mr. MARR. George A. Marr, secretary of the Lake Carriers' Association.

Mr. LEIBERSON. Will you explain what the Lake Carriers' Association is?

Mr. MARR. May I be permitted to read? I prepared myself with a short paper in connection with this matter, covering the point as fully as I could, and I would be glad if I may be permitted to read it.

Mr. LEIBERSON. Yes.

Mr. MARR (reading):

"The Lake Carriers' Association is an association of vessel owners and vessel managers operating vessels upon the Great Lakes, principally such vessels as carry the three chief articles of commerce upon those waters—Iron ore, coal, and grain. In addition there are a few vessels, principally in one fleet, engaged in the carriage of package freight. None of the vessels in the association is engaged in passenger traffic.

"The association has existed in one form or another since 1886. At that time there was organized under the name of the Lake Carriers' Association an organization consisting principally of vessel owners having their headquarters at Buffalo. From then until 1893 there existed some temporary organizations at Buffalo, Cleveland, and a number of other ports on the Great Lakes. In 1893 they came together into the more general present organization and continued under a loose agreement from year to year until 1903, when the association was incorporated under the laws of West Virginia.

"The reason for incorporating was to provide for the continuity of membership. Under the arrangement previously existing the membership was from year to year, and each season before the opening of navigation it was necessary to ascertain from each manager or vessel owner whether he desired to continue in the association for the ensuing year. It was felt that the best means of making the membership continuous and at the same time providing for the withdrawal at any time of any member was the incorporation of the association, and while in form it is incorporated as a corporation for profit, in reality it is not. The articles of the association gave the general objects and purposes to

establish and maintain and procure the establishment and maintenance of aids to navigation and improve and secure the improvement of channels, docks, wharves, loading and unloading and terminal facilities, and, among other things, establish and maintain a place for the convenient securing of seamen for vessels on the Great Lakes, their connecting and tributary waters, and establish and maintain, by contract or otherwise, such amicable relations between employers and employees as will avoid the public injury that would result from lockouts or strikes in the lake carrying service, and generally to provide for the prompt and amicable adjustments of matters affecting shipping and the interest of vessel owners of the Great Lakes and their connecting and tributary waters.

"During the years that the present organization and its predecessors have been in existence the traffic of the canals at Sault Ste. Marie has grown from four and a half million tons in 1886 to nearly 80,000,000 tons during the season of 1913. The size of the vessels carrying this traffic has increased from 300 feet in 1886, with a carrying capacity of about 3,500 tons, to a length of over 600 feet, with a carrying capacity in a single cargo of 14,000 tons on normal draft in 1914. The rapid and wonderful increase in the size of vessels in the traffic upon the Lakes during these years has made necessary the continued improvements of channels, terminal facilities, and loading and unloading facilities, as well as the establishment of many aids to navigation, such as light-houses, ranges, gas buoys, spar buoys, and fog signals, and to the accomplishment of these things for the better handling of the immense traffic of the Great Lakes, which contribute in so large a degree to the prosperity of the whole country, the attention of the Lake Carriers' Association has been most earnestly directed. Through the efforts of our association, at least, to a great extent, channels have been deepened, light-houses and other aids to navigation have been established, with the result that to-day a ton of coal is carried from Ohio to Duluth or Milwaukee for 25 cents or 30 cents, and the carrying charge on a ton of iron ore from Duluth to any of the lake carrying ports, including Buffalo, a distance of about a thousand miles, has been reduced from \$2.11 in 1887 to 50 cents in 1914.

"Improvements which have been secured through the efforts or at the expense of the Lake Carriers' Association have not been confined to the advantage of the membership exclusively, but the benefit has been participated in by all vessels on the Lakes; as, for instance, for many years the Lake Carriers' Association maintained a lightship at an annual expense of several thousands of dollars at South East Shoal in Lake Erie. They also maintained at an expense of several thousand dollars annually a system of range lights and buoys marking the channels in the lower Detroit River. Later the expense of these aids to navigation was participated in by the United States Government, and finally a few years ago were taken over by the Canadian Government, the channels which were thus marked being in Canadian waters. These aids to navigation marked the channels for vessels not in the membership of the association as well as for those who contributed to the expense. Years ago, through abnormal weather conditions, it was necessary to force at a great expense through the ice in the Detroit River, and the demands of commerce required that navigation start before the warm weather had unlocked the channels.

"A similar action was necessary a few years ago, when ice blocked the St. Marys River late in the spring and the Northwest was in desperate need of fuel. There were large quantities upon the docks and in the cargo holds of the vessels in lower Lake ports. Many times in the fall of the year, when ordinarily lightships and gas buoys were to have been taken in early by the Government, in advance of natural close of navigation as assurances against possible loss or difficulties, our association has guaranteed to bring these aids to navigation safely into port if they were left out until the necessity for them had passed, when belated vessels with their final cargoes of grain had made the closing trips of the season.

"There have also been maintained, during all these years, assembly rooms at the various ports for the use of seamen awaiting employment upon the vessels and for the convenience of the officers of the vessels in seeking men for their service. While it is undoubtedly of interest to the commission to know how the Lake Carriers' Association is constituted and the object for which it is formed, I understand that it is upon the latter phase of their interest that I am called upon to address the commission.

"The association has at the present time a membership of 450 vessels under about 50 managements. The gross registered tonnage of these vessels is approximately 2,500,000 tons, and when all in operation it would require at one

time about 12,000 men to man. With the natural tendency of the men of the lower rating to transfer from ship to ship, it may be said that there is on an average of two to three thousand men ashore at all times, awaiting opportunities for employment. This, therefore, gives us a normal average during the navigation season of approximately 15,000 men engaged in navigation business upon the vessels of the Lake Carriers' Association. It has, therefore, been considered from time immemorial that these men should have places of rendezvous in order that the officers of the vessels might, without scouring docks or streets of the city, find men competent to perform the duties of seamen. For the purpose of securing efficiency among the men, there has always been an effort upon the part of the vessel owners to standardize the work on board the ships and upon the assurance of the various unions of the men employed upon the ships that the standard of efficiency would be raised and that competent men could be furnished, contracts were entered into with these organizations to supply the men required for service upon the vessels of the association.

"It is unnecessary for me to go into the details of these relations, some of which antedated my connection with the association, but I will submit to the committee herewith a pamphlet which deals with this phase of the matter and which explains more fully than I can in an address to you the causes which led to the declaration of the present principle of the association in 1908. It is sufficient to say that during the seven or eight years under which the vessels were operated under before-mentioned contracts the service was so unsatisfactory that the association felt that it was necessary to adopt the policy it did and in the spring of 1908 adopted the following resolution:

"The experience of the shipowners, managers, and licensed officers for the past years has demonstrated the necessity of what is referred to as the open-shop principle. In order to give that control and direction of the ships which is required for the equal good of the owner, the employee of the ships, and the defendant trade. And so it is resolved:

"1. That the owners of ships on the Great Lakes do now declare that the open-shop principle be adopted and adhered to on our ships.

"2. That the Lake Carriers' Association stands for the foregoing principle.

"3. That the matter be referred to the executive committee with full power to act and carry out this principle.

"4. That it shall be the aim of the committee in the means they shall adopt to recognize a fair and equitable rate of wages, to insist on such regulations as shall promote the comfort and well-being of the employees, shall put the discipline of the ship in the hands of the executive officers and tendering liberal appropriate wages and conditions, requiring in response appropriate, diligent, and prompt service from the members of the crew.

"5. And at this meeting, representing 91 per cent of the tonnage of the association, as a definite and specific support to the committee it is voted to adhere to and observe this action, referring also any and all special cases to the committee."

Mr. LEISENSON. Leave that with the commission, will you, please?

Mr. MARR. I have brought here, as requested, a great many of the forms that—all of the forms of our work, and I will leave all of them with the commission. I think, as a matter of fact, they are all nearly self-explanatory. [Reading:]

"During the existence of the contracts and while the unions have supplied the men for our vessels, little necessity existed for the maintenance of assembly rooms on the part of the association, our commissioners calling upon the union headquarters for men and many times the officers of the vessels applying directly to the union officials to recruit their crews. Upon the establishment of the present policy, however, the assembly rooms of the Lake Carriers' Association were rehabilitated, and the men were given clean, light, cheerful, well-ventilated places of assemblage while awaiting employment upon the vessels. During the season of navigation these assembly rooms are open to all persons desiring to make use of them for the purposes stated, and this without regard to their affiliation or nonaffiliation with any other organization of any kind. These assembly rooms are maintained by the Lake Carriers' Association at its own expense, and no charge whatever is made to the men using these rooms as places of rendezvous during the season of navigation; nor is any charge made to any vessel nor to any officer of a vessel nor to the owner for the services of these assembly rooms. The rooms are maintained by the vessel owners for their own use and convenience and the use and convenience of the officers of their ships, and for the accommodation of the men desiring employment upon

the ships of the association. The Lake Carriers' Association, as such, is not an employer of labor, and in no sense of the term are these assembly rooms employment offices, nor is our commissioner an employment agent. When men are required to fill out the crew of any vessels, the officers of the vessels come to these assembly rooms and make their selection of the men they desire to employ, or if, as is sometimes the case, they telephone to our commissioner to send them certain men, our commissioner sends the men desired, but in no way engages the men for the vessel."

MR. LEISEBSON. Will you explain what the commissioner is?

MR. MARR. The commissioner is the employee of the Lake Carriers' Association in charge of the rooms, having the care of the rooms, the maintenance of the order, and responding to the calls of the vessel men, the officers of the vessels.

MR. MARR (reading):

"When men are called for by the vessel the commissioner gives to such men as are selected an identification card or card of recommendation, based upon the commissioner's knowledge of the man's competency and experience and without any discrimination as to the man's creed, color, nationality, or affiliation. No bargain is made by our commissioner as to the man's duties on board ship or the wages that should be paid him. He is not promised employment, nor is he in any manner engaged for service by the representative of the Lake Carriers' Association. If the man recommended to a vessel is not satisfactory to the officers thereof, they are at full liberty to decline his services, and, if they choose, may request that other men be sent; and this process may be repeated until the master or other officers of the vessel are satisfied or until the available supply of men is exhausted.

"For convenience and as well as promoting efficiency among the men and creating an incentive among them for better service and establishing a basis for promotion on shipboard, there was inaugurated in 1909 a system of registration. This system of registration embodied the issuance of certificates of competency to able and ordinary seamen, together with the issuance, in lieu of single discharges on single sheets readily subject to loss, but containing the same data of a continuous credential or record of service and discharges more commonly called a 'Discharge book,' in which are noted the names of the steamers on which a man has served, the capacity or rating in which he served, together with the dates of employment and discharge, and a notation as to the character of his service over the signature of the officer under whom he served. I may say, in passing, that in the column for 'Character of service' there is permitted to be entered only the word 'Good' or 'Fair,' as the character of the service may be best described, with no reference whatever to any misconduct of which the sailor may have been guilty."

I wish to add that this continuous credential is a matter of distinct pride with a great many of the sailors. [Reading:]

"This registration includes not only the advantages of continuous credential, a valuable asset in the securing of employment, but entitles the sailor to the use of the clubrooms maintained during the season of unemployment or season when navigation is closed. During that period, which extends from early in December until April, the assembly rooms are converted into clubrooms, together with a number of other clubrooms which are opened only during the winter season in cities where there is a population of sailors to justify their establishment. These assembly rooms or clubrooms are supplied with the standard magazines, ranging in character from the technical to the fiction and humorous, with daily papers, facilities for writing and receiving letters, and facilities for amusement, such as cards, checkers, chess, etc. Many of them are supplied with shower baths; all of them have Victrolas, with a circulating library of well-assorted records, consisting principally of higher class music. Some of the rooms have pool and billiard tables, and all are furnished comfortably and attractively and are kept in a clean, sanitary condition by a custodian. All of this is furnished to the men for the nominal charge of \$1 per year.

"While the Lake Carriers' Association would doubtless bear the whole expense of maintaining these clubrooms for the use of the men, it has been felt and demonstrated by experience that by the payment of the nominal fee the men would feel a proprietary interest in these assembly rooms and be saved any humiliation of accepting a charity. It also creates sense of independence in the use of these rooms, which is not embarrassing to the self-respect of the men. There are also included in the registration grades for master, chief

engineers, mates, and assistant engineers. The fees for registration of the officers are according to the grade of enrollment, from \$5 to \$2.50 per year. All of the funds accumulated from the registration fees are expended in the maintenance, improvement, and extension of the clubrooms for the men. There have during the past year been maintained 18 of these assembly rooms or clubrooms around the Great Lakes as follows:

"Licensed officers' assembly rooms at Buffalo; seamen's assembly rooms at Buffalo; assembly rooms at Conneaut; assembly rooms at Ashtabula; assembly rooms at Cleveland; licensed officers' assembly rooms at Cleveland; engineers' assembly rooms at Cleveland; seamen's assembly rooms at Toledo and Detroit; licensed officers' assembly rooms at Detroit; a general assembly room at Algona, Mich.; separate seamen's and officers' assembly rooms at Marine City; officers' assembly rooms at Port Huron; seamen's assembly rooms at South Chicago, Chicago, Milwaukee, and Duluth.

"The average daily attendance of these assembly rooms during the past winter has ranged from 700 to 1,000 men.

"Last winter an experiment was tried in the establishment of night schools in the seamen's assembly rooms at Buffalo, Cleveland, Detroit, Marine City, and Duluth under the direction of instructors secured through the boards of education in the various cities. So successful were these schools that it is planned to enlarge the scope of them during the coming season. The average attendance at the various schools was about 25 pupils at each, and it was found that so wide a gradation of education existed among those who attended that it is quite probable that two or more instructors will be engaged at each school hereafter. Some of the pupils were college men, one being a graduate and having had six years' experience as a teacher himself, while a few of the men were unable when they started the schools to read or write the English language. Many of the pupils who took advantage of these schools were young men who had had the advantages of common-school education and high-school education, but took this opportunity to refresh themselves in the studies and prepare themselves to secure licenses as pilots or engineers. In Marine City 15 out of a class of 31 secured licenses, about equally divided between the forward and after ends of the vessel.

"There is also provided by the Lake Carriers' Association a death benefit and a total-disability benefit, which it pays out of its own funds, without any charge either to the sailor or to the beneficiary. In cases where a registered sailor meets death or total disablement by accident in the discharge of his duties in connection with a ship of the association. This death benefit is graded from \$500 in the case of masters to \$75 in the case of ordinary seamen."

I will leave with the commission a copy of the resolution under which this provision is made. [Reading:]

"In the phenomenal storm which visited the Lakes on November 9 and 10 last year, in which 14 vessels were wrecked and 235 lives were lost, 6 of the vessels were in the membership of the Lake Carriers' Association, on which 150 men lost their lives. Through our system of registration we were able the moment that we learned that a vessel from our membership was involved in this storm to name every man upon that vessel, together with his home address and the name of a near relative or friend. We have in our possession a partial description of each man, and were able to secure promptly detailed descriptions, which were at once forwarded to a committee sent to the shores of Lake Huron to recover the bodies as they were washed in by the sea. In most every case it was within our power to quickly identify the bodies found, and, where the relatives desired, we were able to promptly forward the bodies to them for burial.

"There was accumulated in Cleveland by popular subscription a fund of over \$75,000 for the relief of the widows and orphans and other dependents of the victims of these wrecks. Without our system of registration this relief fund would have been futile, as there was absolutely no means of knowing under the old system who the men were that were on the vessels of the Great Lakes, where their homes were, or who their friends or relatives were. With the machinery of the Lake Carriers' Association available to the committee having charge of the disbursement of this relief fund it was possible to investigate the family and financial conditions of every man whose life was lost and to distribute this fund in proportion to the extent to which his family and loved ones were dependent upon him. By virtue of these records the widows of these sailors have received \$1,000 each, dependent children have each received one-third of that sum, aged parents have been provided for, and untold wants and distress have been relieved.

"After the November storm hundreds of inquiries were received from anxious parents, wives, and other relatives concerning men who were known to be sailing on the Lakes. In practically every instance we were able to promptly reply by wire, advising these inquirers what vessels the men were employed upon and assuring them of their safety. Similar advantages of registration occur throughout the season in cases of individual accident. In almost every case we are able to return to the family the bodies of men who are killed on the vessels, and in many instances where death occurs as the result of disease, in a hospital, or by railroad accident, or in other manner distant from the scene of vessel operations, use is made of our facilities for locating and informing the relatives.

"After the November storm the Lake Carriers' Association appointed a committee of captains to go to the Canadian shore, where most of the bodies were recovered. These men established headquarters at Goderich, Ontario, and organized a patrol system which extended from the head of St. Clair River to the entrance to Georgian Bay. The beach was thoroughly patrolled day by day until winter set in and the formation of ice assured the organization that no further bodies would be recovered. A reward of \$25 was also offered by the Lake Carriers' Association and paid for the recovery of each body. In all, our association has expended in the neighborhood of \$5,000 for this patrol service and the care and shipment of the remains when recovered and is obligated to the payment of about \$18,000 in death benefits, all of which has been paid with the exception of a few cases where faulty addresses were given and a few where the relatives are in foreign countries and with whom efforts to communicate are still pending through the consular service of these countries."

Chairman WALSH. What did I understand you to say at the beginning of your paper, that you paid for each seaman—the death of each seaman?

Mr. MAHR. In cases where they met death by accident while on board vessels in discharge of the vessel's duty.

Chairman WALSH. How much?

Mr. MAHR. It ranged from \$500 in the case of a master, down to \$75 in the case of a deck hand or ordinary seaman. [Continues reading:]

"In some degree also the association has assisted in looking after the personal estates of the men whose lives were lost in this storm.

"Our association has established, through the cooperation of the Cleveland Trust Co., of Cleveland, Ohio, a system by which the employees of the vessels may bank their money at 4 per cent and draw without leaving the vessel, no matter in what port the vessel may be docked. When paying off the captain inquires of the sailor how much he desires to save, and upon being informed draws a draft upon the manager for the amount to be deposited, giving the sailor the balance of his wages in currency and sends the draft to the Cleveland Trust Co., who in turn collect it from the management and deposit the amount to the credit of the man, issuing a pass book to him, which he may either carry in his possession or leave in the possession of the bank, in which latter case they send him an individual receipt for his deposit. The sailor may also draw upon the bank at any time, and from any port, receiving from the bank without charge a New York draft, or he may direct that the bank send the draft to any other payee desired.

"In none of these matters, either the registration, attendance at school, or the depositing of money is there an arbitrary requirement on the part of the association that the men participate. Yet, so freely have the men accepted these advantages, that during the first year of this registration system 10,000 men took advantage of it, and at the close of 1913, 19,553 registrations were in effect. In the savings plan 3,922 men had opened accounts up to April 1 with a total of deposits amounting to \$582,193.17. Of this number, there still remained in force with the season of unemployment ended and navigation about to open 841 accounts, with a net total amount on deposit of \$107,455.05. The object of all these activities on behalf of men employed upon the vessels of the Lake Carriers' Association is to encourage stability, sobriety, thrift, and self-respect. The employers composing our association realize that money and effort expended in these directions is money well invested, and that the returns in competency, efficiency, loyalty, and better service generally, are repaid manifold.

"Our association insists upon fair treatment and consideration of the men and the regulation of their working hours to the fullest extent possible in the transaction of their business. We also require that the men have clean, comfortable, well-lighted, well-ventilated, and well-heated quarters aboard ship, and that

good, wholesome, clean, well-cooked, nourishing food be furnished. All this with the best wages that are paid anywhere in the world for a similar class of service.

"A campaign was organized last year for the prevention of accidents, and I am submitting herewith a list of the recommendations which were adopted at a general meeting and sent to all members who for the most part have in turn sent them to all of the officers of their vessels with instructions that these recommendations be put into effect. These recommendations were amplified this spring and the additional instructions have been sent out to all of the ships in the association.

"There has also been appointed this year a committee on sanitation, which has taken up the matter of the clean and sanitary handling of food supplies and the matter of sanitation aboard ship, and I submit to the commission a copy of the circular which has been issued to all dealers in food supplies around the Lakes who make a practice of furnishing the vessels with these commodities, and also a copy of the circular which has been sent to all of the vessel owners to be transmitted by them to the masters of their vessels for their guidance. We have also sent to all of the dealers in food supplies furnishing the vessels a reprint of the circular issued by the American Iron and Steel Institute with reference to the elimination of that common pest, the house fly. In fact, every effort is being made by our association to guard the health and the life and limb of every employee of the vessels in its membership.

"A Monthly Bulletin is published during the season of navigation, copies of which are sent to all owners and the masters and chief engineers of all vessels. Through this medium, in addition to the issuance of special circulars and telegraph bulletins, our association endeavors to keep all the men in touch with the activities and policies of the organization so far as they affect the safety of navigation, the operations of their ship, and the health, comfort, and safety of the men. As a sample of this bulletin, I will leave with the commission a copy of the first number for this season sent out from our office during the past week.

"I am glad to leave with the commission copies of forms and printed matter bearing upon our system of registration, and, if the commission desire, I shall be glad to explain our system and the use of these forms in detail."

(The bulletin referred to by Mr. Marr, "Bulletin of the Lake Carriers' Association," vol. 3, No. 1, May, 1914, and copies of numerous blank forms, were submitted in printed form.)

Mr. LEISENBERG. You found that your experience or the experience of your association in depending on the unions to get you help was not satisfactory?

Mr. MARR. It was very unsatisfactory.

Mr. LEISENBERG. You find at the present time that the system of assembly rooms that you have, and your recommendations of men by commissioners, is satisfactory?

Mr. MARR. I know of no reason to feel that there is any dissatisfaction with it at all. It seems to be entirely satisfactory.

Mr. LEISENBERG. You know of no complaints on the part of the men against your present system of hiring men?

Mr. MARR. We have no system. You mean on the part of the men?

Mr. LEISENBERG. Through your assembly rooms?

Mr. MARR. No; I don't know that we have.

Mr. LEISENBERG. Well, take the work book that you have. You say that nothing is stated in the work book except the man's record, fair or good. What about the man who is not good; where is his record had?

Mr. MARR. In cases where a man does not perform good service—and I wish to impress upon you the particular reference to his service only, his competency—the officer of the vessel is not allowed to make any notation as to the character of his service other than to draw a line through the space provided for it.

Mr. LEISENBERG. That is to say, any man who would not have in his book a statement, fair or good, would ordinarily be considered by a master of the vessel that he was not or did not have a good record?

Mr. MARR. Well, he might not have been on the vessel long enough to have made any kind of a record. I have seen a great many discharge books with that record which I, just for convenience, will call a noncommittal record. A great many of those books have had a noncommittal record, perhaps the first record starting out in the book. And after that the book will probably have a good record as long as the man has continued to use the book. In

many cases I have seen a noncommittal record following a good record and then being followed again by a good record.

Mr. LEISENBERG. You have no other record in your various offices or assembly rooms in which the statements are made with regard to bad service or undesirableness of any of the applicants?

Mr. MARR. Well, it would be a natural thing, of course, for the commissioner to report to us, or for an officer of a vessel to report to us the conduct, and we do have such records as that in my own office.

Mr. LEISENBERG. That is to say, then, those records of misconduct are in the main office at Cleveland?

Mr. MARR. Yes, sir.

Mr. LEISENBERG. Would you mind telling us as to the things that you list under misconduct?

Mr. MARR. Well, these cases come to us rarely. Well, stealing from a shipmate, thieving on board the boat, or a proven case of gross misconduct ashore, such as burglary or highway robbery, or anything of that kind.

Mr. LEISENBERG. Will you include in that list of misconduct agitators—labor agitators?

Mr. MARR. I would, if it were felt that the agitator were attempting to disturb on board ship the harmony of the relations between the employer and the employees. I would feel justified in doing that.

Mr. LEISENBERG. You do that in cases of that kind?

Mr. MARR. There have been but one or two cases of that kind that I can recall.

Mr. LEISENBERG. That is to say, under the old system, by which the union furnished the man, it was unsatisfactory to your association, as I understand it, that your association could not maintain the discipline? Was that the idea?

Mr. MARR. Very largely so. One of the great difficulties which the vessels had was in the case of a vessel arriving, we will say, at some port before the completion of the articles for which the man had signed, a sailor or several of them might wish to desert the ship and the master of the ship would probably refuse to pay them their wages, as he was justified in doing, I believe, and the men would go to their labor delegate, and he would come aboard the vessel and tell the master or chief engineer if he did not pay these men their wages that he would pull off his whole crew and see that he did not get another crew there. There were abuses of that kind. A good many of these things occurred before my connection with the association, but I had heard a good deal of them. There were also cases where the vessel, being in need of men, they would apply to the union headquarters in the usual manner for men. If men were scarce there would be no efforts made to furnish them, and even if there were a great many men in the assembly rooms or halls—union halls, as they call them—we would hear very frequently, "Well, send your vessel up here. Let's look it over," or, "Has she got café bars on the deck?" And you could not get men to go.

Mr. LEISENBERG. Let me ask you this question: Does the present organization that you have enable you to maintain the open shop so that you won't have any difficulties at this time?

Mr. MARR. I have not heard of any difficulties of this kind since the open shop was established, and that is five years.

Mr. LEISENBERG. That is to say, your system of employing men through these registration agencies would enable you, if union agitators attempted to organize trouble, to eliminate them?

Mr. MARR. Well, in the first place, I don't know that you have quite grasped the idea—the Lake Carriers' Association does not employ these men. They are employed by the officers of the vessels.

Mr. LEISENBERG. This office sends them over to be picked out, just the same as any employment agency?

Mr. MARR. Yes; where the officer of the vessel asks to have the men sent over, that is done; but very frequently—let me carry that just a little further—very frequently, and what we have tried to encourage the officers of the boats to do, is to come to our assembly rooms and select their own men; and we encourage them to bring with them in the spring men who have served with them before, and whom they know, and in whom they have confidence as to their ability and stability and integrity, and everything of that kind—to come with them the following season.

Mr. LEISENBERG. Let me put it this way: Your association was dissatisfied with the system of supplying men through the union?

Mr. MARR. Yes.

Mr. LEISERSON. Now, would you say that a strong union man would be dissatisfied with the system of hiring men that you have at the present time? He would, would he not?

Mr. MARR. Well, I don't know what exception he could take to it. I know this, that there are on the vessels of the Lake Carriers' Association a great many union men. We raise no questions to that.

Mr. LEISERSON. But if he tried to organize the men on the ships, he would be considered as a trouble maker?

Mr. MARR. Yes, sir.

Mr. LEISERSON. Then, from the standpoint of a strong union man, this would be an objectionable system?

Mr. MARR. I presume so.

Mr. LEISERSON. Now, then, don't you think that the most successful way of organizing the getting of the men to the places would be to have them not in the control either of the unions or of the employers, but both together, in order to be sure that neither one side nor the other controls the job in any way?

Mr. MARR. I can not quite grasp the situation.

Mr. LEISERSON. Well, let me put it this way: We have had experience in trade-union associations supplying help?

Mr. MARR. Yes, sir.

Mr. LEISERSON. And your association found that unsatisfactory?

Mr. MARR. Yes, sir.

Mr. LEISERSON. And so the unions could not maintain this work of supplying men. On the other hand, the unions at the present time would object to your system of getting the men for the vessels, because it interferes with what they consider their liberty to organize the men on the boat. Now, then, if we were to look for the most successful way of bringing the man and the job together, in which neither side should have any kick coming, don't you think the Government, where both would have an equal say, would be the best agency for doing this service?

Mr. MARR. I don't know that I could criticize the idea of having the Government act as the agency for doing this service; but I still feel that the man who has the investment in the property being worked, the man who is paying the wages, and the man who is paying for the service, should be the one who should be satisfied with the service to be rendered; and that the matter of organization, while we have no objection to organizations, and have never in any way attempted to discriminate against any man who was affiliated with any organization, really has no place. While a man is employed happily and satisfactorily, it has no proper place while he is at work.

Mr. LEISERSON. Yes. Well, now, let me ask you the expense of maintaining these assembly rooms where the captain might come to hire men and where the commissioners refer the men to masters of the vessels, that is maintained by your organization?

Mr. MARR. Yes, sir.

Mr. LEISERSON. And what does it cost, would you say?

Mr. MARR. About what does it cost?

Mr. LEISERSON. Yes, sir.

Mr. MARR. We have from 11 to 12 of those assemblies, and I think they average about 4,000 to 5,000 apiece.

Mr. LEISERSON. About \$50,000?

Mr. MARR. Yes, sir; somewhere along there.

Mr. LEISERSON. And your association considers that an expense well invested in order to be able to get the men?

Mr. MARR. Yes, sir; I should say so.

Mr. LEISERSON. That is, you don't get those dollars the men pay to the welfare association, that don't cover the cost?

Mr. MARR. That don't enter into that cost at all. That is not used for that purpose.

Mr. LEISERSON. So you say the position of your association is, that in order to be assured that you can get men when you want them, it is an investment well made to spend \$50,000 to bring the man to the job?

Mr. MARR. Yes, sir.

Mr. LEISERSON. That is all, thank you.

Chairman WALSH. Any questions?

Commissioner GARRETTSON. What proportion of the tonnage of the Great Lakes does your association represent, Mr. Marr?

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Mr. MARR. In the matter of tonnage—

Mr. LEISENSON (interrupting). That is, commercial tonnage?

Mr. MARR. Yes; in the matter of tonnage—well, you speak of commercial tonnage; I can not tell you by that name.

Commissioner GARRETSON. Well, as common carriers?

Mr. MARR. But under the registration, the Government registration, we have about 80 per cent of the registered tonnage on the lakes. That is, in point of tonnage; but in point of the number of vessels, about 20 per cent.

Commissioner GARRETSON. You have the large vessels?

Mr. MARR. Which indicates we have the large vessels.

Commissioner GARRETSON. Now, is there any other association of owners?

Mr. MARR. There is a lumber carriers' association which is composed of small vessels carrying lumber.

Commissioner GARRETSON. Now, do you exchange any information with them in regard to employees?

Mr. MARR. None whatever. In fact, I don't know the names of the officers of that association.

Commissioner GARRETSON. You speak of this book the man has, and the existence therein of a noncommittal record. If that noncommittal record was continued for quite a period, that would bar the man virtually from reemployment on your vessels?

Mr. MARR. I presume an officer of a vessel that received an application from a man having several of these noncommittal records would say, "Well, sonny, I guess there is something the matter with you, and I think I will try somebody else."

Commissioner GARRETSON. It would bar the applicant from employment with you just as if there was a full record in there in every instance?

Mr. MARR. I have no doubt. I have never seen a record of that kind, though—let me say.

Commissioner GARRETSON. How is that?

Mr. MARR. I have never seen a record of that kind.

Commissioner GARRETSON. Well, I assume, from the fact that it is a name that is thus familiarly described as noncommittal, that there are such?

Mr. MARR. There are such records, yes, as I stated before.

Commissioner GARRETSON. Now, you note the fact that if a man takes action that destroys the harmony of the relations between masters and men that he would be classed as an agitator, and such an entry would be made, probably, against him. Now, what would constitute agitation? Demands for more wages?

Mr. MARR. No, sir.

Commissioner GARRETSON. Better food?

Mr. MARR. No.

Commissioner GARRETSON. Better conditions?

Mr. MARR. It would depend upon the extent to which the demands were made. A man who attempts to stir up discontent and trouble on a boat. It would not be a single request or—

Commissioner GARRETSON (interrupting). Well, it might arise from any of those three, or all?

Mr. MARR. Yes, sir.

Commissioner GARRETSON. You spoke, prior to your connection with the board, of another and old arrangement for securing employees which was very unsatisfactory. Were all those things agitated by the men in those days—wages, conditions, and food—among the union men?

Mr. MARR. Why, no; I don't want to say they were agitated by the men—

Commissioner GARRETSON. Well, were they put forward through committees or otherwise?

Mr. MARR. Yes; they were.

Commissioner GARRETSON. They constituted a large part of the unsatisfactory conditions that you wanted to escape?

Mr. MARR. No; we did not attempt to escape from those. Where the Lake Carriers' Association found, or the vessel owners found, there were unsatisfactory conditions, as they do to-day, if they find anything the case—I would be very glad to have you note these recommendations made here by the Industrial Relations Commission, and adopted by our association. If we find any unsatisfactory conditions, the vessel owners are very prompt to remedy anything of that kind.

Commissioner GARRETSON. Since the adoption of the resolution you have read, how much agitation has come to the surface in regard to the men, in regard to their wages, their food, or their conditions? How many committees have waited on your association?

Mr. MARR. There have not been any.

Commissioner GARRETSON. I suppose not.

Mr. MARR. But where an occasional sailor has come in—by the way, I wish to say that the sailors have been encouraged to come to me and lodge any complaints that they may have, whether they are imaginary grievances or real ones. And in every case he has been given every consideration, and his cause has been taken up, even though I have had very strong reasons, from the things he has said, to believe that he was not telling me the whole truth; but his case has always been given very earnest, careful consideration, and has been taken up with the manager or with the officer of the vessel.

Commissioner GARRETSON. Any discrimination against the men belonging to the union?

Mr. MARR. Absolutely none.

Commissioner GARRETSON. Provided he don't work at it.

Mr. MARR. Well, even so; I will tell you, Mr. Garretson, we have two grades of sailors' registrations—that is, I mean, of seamen's registrations—aside from the ordinary man, which includes deck hands, porters, waiters, and, secondly, able seamen, which includes the wheelmen, enginemen, boatswains, firemen, oilers, etc.—the skilled class. And we have instructed our commissioners to register as able seamen only those who are able to show by credentials of some kind that they have had the requisite experience to call or qualify as able seamen. We have stated to them that as such credentials we will accept their salt-water discharges, or the statement of any officer of a vessel with whom they worked, the commissioner's own personal knowledge of a man, or their union book, or anything at all that would—

Commissioner GARRETSON (interrupting). Anything tangible?

Mr. MARR. Anything tangible, which would assure the commissioner that they had had the required experience.

Commissioner GARRETSON. Well, has the payment of this death or disability fund, or the acceptance of it, ever been pleaded by your association or the owners as a bar to the recovery of death or disability claim?

Mr. MARR. No; on the contrary, we have stated in the resolution—and, by the way, I can give you a copy of that if you want it—that that should not in any manner interfere with their recovery.

Commissioner GARRETSON. In no way affects the legal rights?

Mr. MARR. No, sir.

Commissioner GARRETSON. There are a great many of those institutions in the country that have been injurious in that direction?

Mr. MARR. Yes, sir; but we have endeavored to make it plain that it does not.

Commissioner GARRETSON. What is the attitude of your association toward the seaman's bill?

Mr. MARR. There are some features of it which we feel are very detrimental to the navigation interests.

Commissioner GARRETSON. The institution of these clubrooms, etc., really works out, from your standpoint, as philanthropy that pays dividends?

Mr. MARR. Dividends in effect.

Commissioner GARRETSON. In what you get for it?

Mr. MARR. Yes, sir.

Commissioner GARRETSON. I do not mean money.

Mr. MARR. Absolutely no.

Commissioner LENNON. Did I understand you, Mr. Marr, I think in your paper, to indicate that you object to seamen quitting work in a safe port?

Mr. MARR. Yes; when they are under articles.

Commissioner LENNON. When a man has agreed to sail from Chicago to Buffalo and you stop at Toledo, a safe port?

Mr. MARR. Yes, sir.

Commissioner LENNON. And half a dozen or one man wants to quit, do you object to it?

Mr. MARR. Yes, sir. The articles usually read—

Commissioner LENNON. Yes; I know what the articles read.

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Mr. MARR. I know; in our particular case, I mean. From a lower lake port to the head of the Lakes and return. They are usually for a round trip, always for a round trip; that is better, although some vessels with headquarters at Duluth have their articles read from Duluth to Lake Erie and return—to the lower port and return to the upper end. An objection to the quitting in safe port would be the necessity of obtaining men, perhaps, in a port where men were not obtainable. The vessel does not stop always in a big lake port like Toledo. She may unload in Huron, where there is a port, but no vessels can secure men.

Commissioner LENNON. Isn't it a species of involuntary servitude?

Mr. MARR. I can not see that it is. It is not against a man's will that he signs the articles of that kind. He knows it fully when he signs. They are all alike; know absolutely just what is expected of them.

Commissioner LENNON. Would the master of the vessel have the right to discharge a man when he was in one of those ports?

Mr. MARR. For unsatisfactory service.

Commissioner LENNON. He would?

Mr. MARR. I presume he would have to pay him. I suppose—

Commissioner LENNON. Why can not they do that if a man wants to quit?

Mr. MARR. A master would not be likely to discharge a man when he was not able to secure others.

Commissioner LENNON. All right.

Chairman WALSH. Is there any other question?

Commissioner BALLARD. You say your work begins about April 1?

Mr. MARR. Yes, sir. It is only a seasonal occupation.

Commissioner BALLARD. What do the men do in the wintertime?

Mr. MARR. There are a great many automobile industries around Detroit. A great many men secure employment there and in other manufacturing institutions. A good many of them come down to the seacoast and continue to sail down here in their vacation. A good many of them go to the southern waters of the Ohio River or the Gulf of Mexico; and still there are a great many who live through the winter on the earnings of the summer, on their savings.

Commissioner BALLARD. You say that the unions in their furnishing of men and in their conduct of their business, in your business, is so unsatisfactory that the shipowners decided to have either the open shop or manage their own men themselves?

Mr. MARR. Yes, sir.

Commissioner BALLARD. What particular onerous features do the men force on the shipowners that makes it unsatisfactory?

Mr. MARR. As I stated to Mr. Leiserson, in response to a question, there was this upholding of the men in refusing to sail. Very frequently on board of boats a man would refuse to carry out the orders that were given to him on the vessels by their officers, and desertion in ports before the completion of their articles, and their refusal to furnish men a good many times when the vessel owner was ready to leave port.

Commissioner BALLARD. If it was established that the union man had committed any acts not upheld by the union, would the union discipline that man?

Mr. MARR. We did not find it to be so. The union delegate was a little inclined to take the part of the man. I don't know whether to call it politics or not; but he would take the part of the man and come down and—to us at any rate—seemed to make improper demands.

Commissioner BALLARD. Did the unions ever refuse to handle any work on account of it being nonunion-made materials?

Mr. MARR. No; I never heard of it.

Commissioner LENNON. If a ship was being boycotted, they would not refuse to handle the tonnage of the ship?

Mr. MARR. I never heard of anything of that kind.

Commissioner HARRIMAN. From the point of view of your association, I would like to ask you: What is your opinion about the system of Federal employment bureau suggested by the commission? It has been asked more or less indirectly; but I would like to have your opinion in rather a direct way.

Mr. MARR. In answer to that I speak as a layman, and not as one who has had experience in the employment of labor and it would only be a layman's opinion. I can see a great many good features about it; but there is one thing that impressed me as being more prominent to me than any other feature, and that is this: That in the transfer of the men from one center

to the other, the transfer would be of the floating element, which is the unreliable, irresponsible element. The man with a home and the man with a family is not the man who would be transferred from Chicago to New York, or from New York to San Francisco, or anything of that kind. Still that would have its advantage to the home owner, too, owing to the fact that it would take those other men out of the labor market, and while those facts have been passing through my mind they are only put out as the thought of a man not experienced in the handling of labor—in the employing of labor from that point of view.

I have read your proposed plan very carefully, and another thing that has impressed itself upon me was the broad scope of what you termed an "employment agency" in your definition—that is, that it even included the housewife who recommended to her neighbor a servant girl—and I don't know where you are going to draw the line. That is a thing that is entirely out of my line; but it seemed to make the housewife who did such a thing as that a violator of the law.

Then, in reading it over, there was another thought that came to my mind: You say that no employment office shall be opened in, over, or adjoining a saloon; but some provision would have to be made for preventing the saloon from opening in or adjoining the employment office later. Those are only matters of detail that undoubtedly can be worked out in a broad, general proposition of this kind.

Commissioner HARRIMAN. Do you think it is feasible as a whole—as a scheme?

Mr. MARR. Yes; I should think it would be. May I say a word further, Mr. Chairman?

Chairman WALSH. Yes.

Mr. MARR. Mr. Blutchly, one of the gentlemen who spoke yesterday, said that he thought in connection with this labor exchange there might be adopted such a book as was used on vessels in the salt water. That book, I believe, is somewhat similar to the one we have in the Lake Carriers' Association, and I can say with reference to that that I have a good many times learned that the sailors value these books during the wintertime, and that they present them to employer—to railroads, to express companies, and to the large employers of labor as credentials, showing that they are used not only from boat to boat but also with other large employers entirely outside of our lake business.

Chairman WALSH. Mr. O'Connell would like to ask you a question.

Commissioner O'CONNELL. Do you have any jurisdiction over the longshoremen the same as you do over the sailors?

Mr. MARR. I beg your pardon?

Commissioner O'CONNELL. The longshoremen and dockers, do they all come under your jurisdiction?

Mr. MARR. No; we have nothing to do with them. They are employed by the dock companies. Most of the coal and oil is handled to or from the vessel by the dock companies—by the shippers. The different large coal shippers have their own docks. The different large oil shippers have their own docks. They employ the longshoremen.

Commissioner O'CONNELL. The change from the system of employing your help through the unions, getting your help through the present system, and the declarations which you read into the platform of your association for the open shop, etc., was that the result of a strike or something that had occurred between your association and the employees?

Mr. MARR. No; it was a condition that had gradually grown up to the point where the vessel owners thought they could stand it no longer. They had lost control—they had lost the discipline of their ships to a large extent. It was almost impossible to have the orders executed on board the boat.

Chairman WALSH. That will be all. What arrangements have we for taking care of these exhibits?

Mr. LEISENBERG. We have taken care of that.

Chairman WALSH. Do you ask the witness to leave them here or leave them outside?

Mr. LEISENBERG. The idea was they would be left with the reporters for them to make any extract from them.

Chairman WALSH. Is the witness notified by anybody that that is expected of them?

Mr. LEISENBERG. No.

Chairman WALSH. Well, I think it should be done with each witness. If you will, kindly leave those with the stenographer.

Mr. MARR. I want to say that one of the advantages of this registration system has been that we have been able to prepare certain statistics which were found to be of value not only to ourselves but to such commissions as yours who might have use for them. There is a statement which gives the ages—this has been carefully prepared from the records—the ages of the men employed, the nationalities of them, the number in each nationality, the number of each, age of, experience, and things of that kind of the different classes of employment. I would be very glad to leave that with you.

Chairman WALSH. Well, I understand that you are to leave all of that data.

Mr. MARR. I will be very glad to leave it all.

Chairman WALSH. Thank you.

TESTIMONY OF MR. UMBERTO M. COLLETTI.

Mr. LEISERSON. State your full name.

Mr. COLLETTI. Umberto M. Colletti.

Mr. LEISERSON. And your official position.

Mr. COLLETTI. General manager of the Society for Italian Immigrants of the immigration office, Italian immigration office.

Mr. LEISERSON. How long have you been in that position?

Mr. COLLETTI. Going five years.

Mr. LEISERSON. Will you state what the purpose of this Italian immigration office is?

Mr. COLLETTI. You mean the purpose of the Society for Italian Immigrants?

Mr. LEISERSON. Yes.

Mr. COLLETTI. It is a protective association and aiding institution for the Italian immigrants and the resident laborers, Italian laborers of the United States and Canada.

Mr. LEISERSON. Who supports it?

Mr. COLLETTI. The laborers themselves; the subscription and subvention of the Italian Government.

Mr. LEISERSON. Subvention of the Italian Government?

Mr. COLLETTI. Yes.

Mr. LEISERSON. What is the total budget, about?

Mr. COLLETTI. A little over \$20,000—\$23,000.

Mr. LEISERSON. How much of that does the Italian Government pay?

Mr. COLLETTI. One-third.

Mr. LEISERSON. And how much do the men pay?

Mr. COLLETTI. One-third.

Mr. LEISERSON. And one-third is voluntary subscription?

Mr. COLLETTI. Yes.

Mr. LEISERSON. Now, in connection with your work, you maintain an employment office?

Mr. COLLETTI. The employment office, you are acquainted with the situation about three years ago here in New York. The Italian Government had a labor-information bureau for Italians.

Mr. LEISERSON. Yes; that is what we wanted to know about.

Mr. COLLETTI. I am not connected with that. The two members of Parliament who came from the other side here, two members of the Socialist Party, were sent to investigate matters over here concerning matters of immigration, and went West; when they came here and saw that the most feasible thing of all was to have a central office in New York to protect Italians, and to have them, if possible, avoid the congested cities. Naturally, owing to lack of funds, they could not go ahead. The first year it cost them over half a million francs, \$100,000; the second year \$70,000. By degrees the subvention was reduced to 30,000 francs, \$6,000. That bureau informed the Government in keeping in touch with the different organizations here in the United States as well as with the Government office and the State government of New York, they informed the home Government about all the situation—if that is clear—about the situation concerning labor matters here.

Mr. LEISERSON. Isn't that bureau now in existence?

Mr. COLLETTI. It is not any more in existence. The Society for Italian Immigrants was asked to absorb that bureau.

Mr. LEISERSON. And do you maintain it now, Mr. Colletti?

Mr. COLLETTI. Well, we maintain the information part of it and the charitable branch of it—the employment, the charitable cases, so to speak.

Mr. LEISENBERG. Well, isn't it your bureau that issues the Labor Market Bulletin in Italian?

Mr. COLLETTI. Exactly.

Mr. LEISENBERG. We found in there last—only last winter—statements that you wanted so many men; that so many men were wanted in a construction job.

Mr. COLLETTI. Yes. Numbers never over 40, with two foremen. That was concerning some works, which were stopped afterwards, in the State of Massachusetts—Lee, Mass.

Mr. LEISENBERG. You found, then, that it cost you too much for this Italian experiment; cost too much to maintain the employment agency.

Mr. COLLETTI. It cost too much. They saw that it did not pay. Their original idea was to give information to the Government about the labor situation over here, as well as place as many men as they could at work. During the winter it was quite easy to place men at work, but only for three or four days. But it was not worth while to the Government to send over \$2 per capita for every man placed at work. After all, the natural bureau of every Italian is his family residing over here. The agencies existing here are doing no work at all, and I dare say they are not labor agencies. They may be agencies for something else, but they are not labor agencies.

Mr. LEISENBERG. You don't think it advisable, then, for the United States to have an employment agency for Italians to attract them to work?

Mr. COLLETTI. Well, to be frank, I am interested in both sides—the United States point of view and the Italian point of view. Now, I think that this arrangement about having several bureaus in the United States, or a central bureau, which will spread information concerning labor conditions, and everything, I might say from what I observe and from what Mr. Michael Reeves observed, conditions in the United States are marvelous as a rule, even when they are in a depressed condition. You would find yourself in conflict with your contract-labor law, the alien contract-labor law.

Mr. LEISENBERG. But take the Italians or any class of people that are here. How would it conflict with them to give them information as to where they might get work in other parts of the country?

Mr. COLLETTI. Obviously because the Italians who reside over here would quickly inform their people on the other side about the surety and certainty of finding work and being protected by the Government.

Mr. LEISENBERG. Well, would there be any surety in that any more than your Labor Market Bulletin, in which you state the opportunities for employment in different parts of the country? Does that assure the men they are going to get employment?

Mr. COLLETTI. No; because following the information bulletin there is a report suggesting the immigrants not to sail in great numbers and only address themselves to their relatives.

Mr. LEISENBERG. Well, could not that same statement be made through any bulletin, an information bureau of this kind, that would state that these jobs are vacant, can be had only through the employment offices, and before you come looking for them apply to your local office to find out whether it is open or not, or whether it has not been filled?

Mr. COLLETTI. Yes.

Mr. LEISENBERG. Would not that obviate the difficulty that you had in mind?

Mr. COLLETTI. It might obviate the difficulty. Well, you know, the agents of immigration on the other side are rather brayish; they are too skilled, too able at times; but they will always be taken in, anyhow.

Mr. LEISENBERG. Can you tell us anything about the system of hiring men through the padrones? The system by which the padrones operate in that system here?

Mr. COLLETTI. Yes; it is simply an order in the—except the South. In the South—I know slightly about the conditions of labor in the South, because the southern United States, because I think they are opprobrious; but so far as the situation up North and near West, the padrone arranges this way: They generally are allied through politics to some individual or some company that has a big contract. They are supposed to manage some Italian vote or other. As a matter of fact, they do not, or they do very slightly; but through some favoritism or other they get in touch with the contracting company or the person who

exploits the railroad or starts the railroad or mine, or whatever it is, and they get from this person the grant to employ all laborers for those labor camps. They only reserve for themselves the commissary part of the work and furnish food and clothes at times, and shanties, and so on. The question of employing labor is entirely in their hands, bureaus or no bureaus. Still these people will lend a helping hand to the padrone. Though I may say there are several honest individuals among the padrones who make their 20 per cent out of it, others make 100 per cent out of it here in the State of New York.

Mr. LEISEN. Wasn't it the idea of the original Italian labor bureau, of which you spoke, to supplant the padrone?

Mr. COLLETTI. Exactly. They did not have the right support.

Mr. LEISEN. And they did not succeed? Why?

Mr. COLLETTI. They did not succeed because a fight started. You know how the foreign race is in the United States. They have different cliques and different organizations, so to speak, and some of the papers stood rather undecided on the idea of having a central bureau for Italians, etc. But, of course, other parties attacked those newspapers—

Mr. LEISEN. You mean there were cliques among the Italians?

Mr. COLLETTI. Yes; like among any nationality. And finally they had to give up any view of influencing—

Mr. LEISEN. Well, didn't you have the necessary influence?

Chairman WALSH. Had to give up what?

Mr. COLLETTI. Had to give up the idea of influencing the Italian organization and come directly to the immigration bureau for Italians.

Mr. LEISEN. Don't you think the United States Government, if it attempted to do what your Italian labor-information office attempted, might succeed, especially if provision were made as in this proposed plan that there must be no passing of consideration between employer or his agent and the person whom he hires?

Mr. COLLETTI. Yes; but you will have to use much force with Italians.

Mr. LEISEN. Would you advise the use of force in order to eliminate it?

Mr. COLLETTI. Unlimited; certainly.

Mr. LEISEN. You would?

Mr. COLLETTI. Legal, of course.

Commissioner O'CONNELL. Did you make any charges in any way for furnishing employment?

Mr. COLLETTI. None whatever, sir.

Commissioner DELANO. You said in the South conditions are different from the North and West. I did not catch what the difference was.

Mr. COLLETTI. The difference was that the Italians who often might engage in work down South, who might occasionally be engaged to do work down South, are never sure of the work they are going to. They are frequently dismissed, and they are not treated in the way they expect to be.

Commissioner O'CONNELL. How many positions, on the average, say, did you furnish?

Mr. COLLETTI. Very few; very small; because nearly all charitable cases, valiant men, strong men who have no relatives in the United States and who have not any home to address themselves to, they generally connect with the Italian consul's offices throughout the United States, and if they happen to be in the vicinity of New York City or New York State they generally come to us. They are valiant young men, strong, but do not know the language. We generally place about—there were 960 of about 3,000 applicants.

Commissioner DELANO. How did they happen to come if they had no member of their family here to ask them to? How did they happen to come?

Mr. COLLETTI. We don't know. That is another thing that concerns the immigration service. You see, they are related to, say, a cousin, but you know how it is with Italians, first, third, fourth, and fifth cousins, and they give the address of a cousin. Now, this cousin may live in Omaha, Nebr., where he is engaged in railroad work, but only for three or four months. And then he quits and goes to California, and the poor individual goes to Omaha, and does not find his relative, and falls into the hands of the usual petty banker, and drifts here and there, and finally has to come back to the great natural employment agency—New York City.

Commissioner O'CONNELL. Your work applies exclusively to the Italians?

Mr. COLLETTI. No; it is for the—the society works among the aliens, and I worked among aliens and Austrians as a laborer myself for some time.

Chairman WALSH. That is all.

TESTIMONY OF MR. C. E. MORTON.

Mr. LEISENSON. Will you state your name and official connection?

Mr. MORTON. C. E. Morton, manager of the New York and New Jersey branch of the National Metal Trades Association employment bureau.

Mr. LEISENSON. Will you state just what that employment bureau is and what its business is?

Mr. MORTON. It is a free employment bureau maintained by the manufacturers who are members of our association for the purpose of securing skilled mechanics employed in the metal trades.

Mr. LEISENSON. Only skilled mechanics?

Mr. MORTON. Only skilled mechanics.

Mr. LEISENSON. And you represent the New York and New Jersey branch?

Mr. MORTON. I am manager of the employing department of the New York and New Jersey branch.

Mr. LEISENSON. And then there are other employment departments in the country maintained by the National Metal Trades Association?

Mr. MORTON. Yes, sir.

Mr. LEISENSON. About how many?

Mr. MORTON. Fourteen.

Mr. LEISENSON. Can you tell us what led the National Metal Trades Association to establish those employment departments?

Mr. MORTON. The need of securing efficient employees in the several industries which they represented.

Mr. LEISENSON. You could not get them through private employment offices?

Mr. MORTON. I don't know that they ever tried that.

Mr. LEISENSON. And they could not get them through the newspaper advertisements?

Mr. MORTON. Not efficient help.

Mr. LEISENSON. You think the system that you have enables you to pick out efficient help?

Mr. MORTON. It does.

Mr. LEISENSON. Will you describe briefly just what your system is that enables you to do that?

Mr. MORTON. My duties require me to interview, register, investigate, select, and send to the manufacturers who are members of our association any class of skilled help coming under the classification listed by the National Metal Trades Association. For that purpose we require every applicant who applies for employment to fill in an application form for employment, stating his full name, his address, the date, his age, whether he is married or single, his nationality, number of dependents, his occupation, and, if he has a specialty, the specialty.

Mr. LEISENSON. Union affiliations?

Mr. MORTON. Don't ask them about that.

Mr. LEISENSON. You have no questions on that?

Mr. MORTON. Nothing on our application blanks concerning that.

Mr. LEISENSON. Can you furnish us a copy of your application blank?

Mr. MORTON. Yes, sir. I haven't it with me, but I can send it to you.

(The blank forms referred to were submitted in printed form.)

Mr. LEISENSON. If you will, send it to the commission.

Mr. MORTON. I will do that. Then we require them to give the name of the last employer, the address, the length of time employed, in what capacity, why he left, and the wages he received; and we require them to give two additional references of concerns for whom they have been employed, covering the same information.

Mr. LEISENSON. Do you get reports from the employers every week or every month after the people that were discharged and hired aside from the men that come into your office?

Mr. MORTON. Yes; we get them daily.

Mr. LEISENSON. A daily report of the number of men hired and discharged?

Mr. MORTON. Yes, sir.

Mr. LEISENSON. What is the purpose of that?

Mr. MORTON. The purpose of that is to enable us to assist employees who have been laid off because of slackness in his particular trade by informing him of an opening with some other member who might use his services, and to enable us to keep a record of a man's service with the company, so that

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when he applies to us for employment we won't have to cause him to wait until we can investigate his record to see whether we can use him or not.

Mr. LEISENBERG. That is to say, you keep up the man's record in this way without his actually coming to the office? You get your reports from the employer where he is at a given time, whether he is working in a place or discharged?

Mr. MORTON. As soon as he is employed by the members of our association.

Mr. LEISENBERG. About how many men have you records of that were in your office?

Mr. MORTON. We have over 11,000; that is, who have made personal application at the bureau for employment. I don't know how many we have who have applied to the companies for employment and whose applications have been sent to us.

Mr. LEISENBERG. You have those records also?

Mr. MORTON. Yes.

Mr. LEISENBERG. Can you tell us the reason that this record is kept of skilled employees and not common laborers?

Mr. MORTON. The majority of the manufacturers that are members of our association employ only skilled mechanics. Some of them would probably employ only half a dozen laborers.

Mr. LEISENBERG. Don't most of them have foundries?

Mr. MORTON. No; we have nothing to do with foundry help.

Mr. LEISENBERG. The foundrymen are not in connection with you?

Mr. MORTON. No, sir.

Mr. LEISENBERG. Aren't they in some of your agencies; for example, the Milwaukee agency of the Metal Trade and Founders' Association?

Mr. MORTON. I could not tell you that.

Mr. LEISENBERG. You think the main reasons they do not take up common labor is because they don't employ enough of them?

Mr. MORTON. Yes, sir.

Mr. LEISENBERG. Can you give us any idea of your expenses to maintain your particular employment office?

Mr. MORTON. About \$3,500 a year.

Mr. LEISENBERG. About \$3,500 a year?

Mr. MORTON. Yes.

Mr. LEISENBERG. And you place approximately how many men?

Mr. MORTON. From 1,500 to 2,000.

Mr. LEISENBERG. So that it costs you about \$1.50 per job?

Mr. MORTON. Yes, sir.

Mr. LEISENBERG. And your association, you charge nothing to the employee?

Mr. MORTON. Nothing to the employee.

Mr. LEISENBERG. Your association considers that a good investment, in order to have records, so that you can get what you consider efficient help?

Mr. MORTON. Yes.

Mr. LEISENBERG. Have you ever found any objection on the part of the men to patronizing your office?

Mr. MORTON. I beg your pardon.

Mr. LEISENBERG. Have you ever found that the men objected to patronizing your office for any reason?

Mr. MORTON. No, sir.

Mr. LEISENBERG. You only place from 1,500 to 2,000 men—what is the total number of employees, approximately, of all of the employers who are members of your particular branch?

Mr. MORTON. I can only give you the number coming under our organization.

Mr. LEISENBERG. Yes.

Mr. MORTON. It would be from seven to ten thousand.

Mr. LEISENBERG. From seven to ten thousand?

Mr. MORTON. Yes, sir.

Mr. LEISENBERG. You would say, approximately, how many employees do these employers hire every year in order to maintain the force of 10,000? You have a record of the men hired and dismissed? Approximately, what would that be?

Mr. MORTON. About 2,500.

Mr. LEISENBERG. Do you mean to say that all of these employers that have 10,000 employees hire only 2,500 a year?

Mr. MORTON. Phenon that the help would fluctuate in a year's time probably that many.

Mr. LEISENBERG. I mean the actual hiring. How many people are actually hired by all those employers who employ those men in order to maintain a force of 10,000? Wouldn't it be almost 10,000 more?

Mr. MORTON. I can not answer that question directly in that way. Some employ as much as, for instance, in the machinery industry, in the tool and die line, one of our shops in particular has men who have been employed by them for six or eight years, and where they would employ 25 to 30 die makers, where they keep steadily employing 25 to 30, they might not have an opening for a man more than three or four times during a year.

Mr. LEISENBERG. I am not considering particular instances. You placed in those firms, say, from 1,500 to 2,000 a year. Besides that, the firms themselves employ men at their gates. Approximately what number of men are hired at the gates? You have records of those?

Mr. MORTON. We supply approximately two-thirds. We supply approximately a little over one-third.

Mr. LEISENBERG. Can you give a reason why two-thirds of the employees would rather go directly to the works than come to your office?

Mr. MORTON. That is because the plants where those men apply, rather than come to the office, are located so far from our employment bureau that we are unable to secure the help as rapidly as they need it. Most of them are emergencies, emergency requests for help. You understand we represent the ship-repairing industry, and before I came here this morning, at half-past 6, I had calls for 25 men in one of our repair yards. Those men will be laid off day after to-morrow.

Mr. LEISENBERG. And when a man applies directly at a plant for a position and he is employed, that fact is transmitted by an officer of that factory to your office?

Mr. MORTON. Yes, sir.

Mr. LEISENBERG. His name and his record, his application?

Mr. MORTON. Yes, sir.

Mr. LEISENBERG. Do you look up his record in order to find whether he is an efficient man?

Mr. MORTON. We indicate on his record the fact that that day he entered the employ of that company.

Mr. LEISENBERG. If you find in your record something against that man, do you notify the company of that fact?

Mr. MORTON. No, sir.

Mr. LEISENBERG. You make no notification to the company of the man's record?

Mr. MORTON. Not unless there are some particular reasons. If a man has been discharged from a company for inefficiency in one line and we have that record noted on his card and we find that he has entered the employment of some other company, we would notify that company of that fact.

Mr. LEISENBERG. Then why do you keep the record?

Mr. MORTON. So that, as I stated before, when a man comes to us for a position—

Mr. LEISENBERG. I mean the other record, where the employee applies directly, his record is transferred to your office, as I understand?

Mr. MORTON. Yes, sir.

Mr. LEISENBERG. Why is that record kept if it is not to assist you to tell other employers as to the qualifications of that man?

Mr. MORTON. It is kept, as I stated a while ago, so that when a man comes to us for employment we will not have to delay him in sending him to a position by looking up his references.

Mr. LEISENBERG. It is not for the purpose of informing the employer who hired him with regard to his record?

Mr. MORTON. It could be used for that purpose.

Chairman WALSH. Is it used for that purpose in any case that you have ever known of?

Mr. MORTON. Yes.

Mr. LEISENBERG. Have you ever had cases where the employer hired a man and you then notified the employer that this man had a bad record?

Mr. MORTON. I don't remember of any.

Mr. LEISENBERG. You don't remember of cases of that kind?

Mr. MORTON. No, sir.

Mr. LEISENBERG. If a man had proved dishonest in one place, that would be registered in your office?

Mr. MORTON. Yes, sir.

Mr. LEISERSON. If that man afterwards secured a position with one of your members, would you notify the member that he had been discharged?

Mr. MORTON. Yes, sir.

Mr. LEISERSON. You have done that in cases?

Mr. MORTON. I have not.

Mr. LEISERSON. But it would be done?

Mr. MORTON. Yes, sir.

Mr. LEISERSON. What other reason besides dishonesty would convey—would you convey to an employer?

Mr. MORTON. If a man had gone to one of the members of our association which manufactured a certain product and he was found to be incompetent and was employed by another company manufacturing the same kind of a product, or if he was—I will not say employed, if it was asked of me if this man applying for employment to this company requested of me to inform them whether I had a record of him, and I found that he was incompetent in a shop manufacturing the same kind of a product, I would state to the company that he was incompetent.

Mr. LEISERSON. If a man were a labor agitator, would you inform the employer of that fact?

Mr. MORTON. Yes, sir.

Mr. LEISERSON. Don't you think that gives your association a dangerous power over individuals?

Mr. MORTON. We have never had an opportunity of using it, so I don't know.

Mr. LEISERSON. But you would do that under those circumstances?

Mr. MORTON. Yes, sir.

Mr. LEISERSON. Is that it?

Mr. MORTON. Yes, sir.

Mr. LEISERSON. Have you read over our plan of a national system of labor exchange?

Mr. MORTON. I have.

Mr. LEISERSON. Have you any remarks to make about that?

Mr. MORTON. As it particularly relates to the mechanics and comes under our classification, I do not think that a Government free-employment bureau could do the work that our employment bureau is doing, for the reason that as a manager of an employment bureau for our association I am an employee of every manufacturing concern that is a member of our association, and a request upon me for help is virtually a demand. I assume a personal interest in seeing that the company in need of that help gets that particular help at the time it is most needed.

Mr. LEISERSON. Would not a State employment office do the same thing?

Mr. MORTON. I do not believe that it could, for the reason that the scope of work that would be covered by the State free-employment bureau or National free-employment bureau would be too wide for them to give the personal attention and the particular attention that any particular industry would require.

Mr. LEISERSON. That is to say, that your only objection is that it would be so inclusive that it would not give enough special attention to your particular department?

Mr. MORTON. Yes, sir.

Mr. LEISERSON. But if it were possible to so organize it that the exchange would be worked in departments with one person in charge of the metal-trade department, just as you are, do you think it could be worked under those circumstances?

Mr. MORTON. I do not believe that could be done.

Mr. LEISERSON. You have heard that the Boston Free Employment Office supplies members of your association in great numbers?

Mr. MORTON. Yes, sir; I have heard that. I am very familiar with those State free-employment bureaus. I had charge of the Indiana State Free Employment Bureau myself. I originated and brought into existence the systems that they use there.

Mr. LEISERSON. And your experience leads you to believe that they could not handle this work properly?

Mr. MORTON. They could not.

Mr. LEISERSON. Will you just state the reason?

Mr. MORTON. The reason as I stated—that is, my first reason, the one that I stated a-while ago. Another reason is that in the experience I have had the scope of the work is too broad to be covered by these bureaus; and secondly, mechanics know that they would not receive the same attention they would in

a manufacturers' employment bureau. Consequently they do not go to those bureaus to register for employment.

Mr. LEISEN. Have you known cases where there is a State employment office, and also one of your association offices, and where the State employment office does more business than yours—that is, with skilled mechanics—for your members?

Mr. MORTON. Please state that again.

Mr. LEISEN. For instance, in the city of Milwaukee there is a national metal-trades' association, similar to yours, and also a State free-employment office; and the State free-employment office supplies more skilled men to members of your association than your own office does.

Mr. MORTON. We have no national metal-trades' association with an employment bureau located in Milwaukee. The manufacturers' association has a bureau there.

Mr. LEISEN. The National Metal Trades and Founders' Association, Mr. Fairbanks has charge.

Mr. MORTON. It is an employers' association, is it not?

Mr. LEISEN. Yes, sir; employers in the metal trades—not merchants and manufacturers, but the Metal Trades and Founders' Association—the local branch of the National Metal Trades Association.

Mr. MORTON. It was my understanding that that was an employers' association whose membership was composed of manufacturers that were not members of the National Metal Trades.

Mr. LEISEN. No; members of the National Metal Trades.

Mr. MORTON. Possibly some of them were, but some of them were not.

Mr. LEISEN. No; members are exclusively of the metal trade and doing business exactly as you do. But that is immaterial.

Mr. MORTON. I have a list of the 11 branches of the National Metal Trades Association: Boston, Chicago, Cleveland, Cincinnati, Hartford, Indianapolis, New Haven, New York, Providence, St. Louis, Springfield, Moline, and Worcester.

Mr. LEISEN. Milwaukee is not included.

Mr. MORTON. No, sir.

Commissioner O'CONNELL. In these employment agencies you have given, these dozen cities or more, do you send information backward and forward to each other—exchange information as to employees that are not to be employed because of certain records?

Mr. MORTON. No, sir.

Commissioner O'CONNELL. Do not interchange at all the reasons why people should not be employed?

Mr. MORTON. None has ever come to my notice.

Commissioner O'CONNELL. If an employer employs a man at his shop without going through your office he reports that to your office, does he—one of your members?

Mr. MORTON. Yes, sir.

Commissioner O'CONNELL. If your records show that he for some reason or other is not a proper person to employ, he is then discharged, is he, by the employer, or let go?

Mr. MORTON. We have not had occasion to use it for that purpose.

Commissioner O'CONNELL. If one of the members had a strike, if his employees went on a strike—machinists, say—and another of your members wanted machinists, would they give these men on a strike for another employer work, or would that be a reason for not employing them?

Mr. MORTON. I don't believe that I understand you clearly on that. Will you repeat that?

Commissioner O'CONNELL. For instance, if one of your members had a strike over in Jersey and another member class employing a similar class of skilled labor—machinists, say—in New York wanted machinists, would the fact that these machinists in New York had worked for one of your members and was on a strike be a sufficient reason for that employer in New York not employing them? Do you keep a record of any kind showing that?

Mr. MORTON. We keep a record of the employees, or of the members of the association. If this man applied to us for employment he probably would not be asked if he went on a strike, and he would be sent to this concern that needed this help.

Commissioner O'CONNELL. If it was ascertained that he did go on the strike, and that they were on a strike—having a strike—would he be employed if that was discovered?

Mr. MORTON. That would be up to the foreman or superintendent of the plant that needed the help. We would inform him that he had left the employment of the company, and had left because there was a strike, and ask him if he wanted to take the man.

Commissioner O'CONNELL. Do you keep a record in your office of the strikes of your members?

Mr. MORTON. We keep records of the strikes of the plants, but not a record of the employees who have gone on strikes at the plants.

Commissioner O'CONNELL. They are not checked up in any way by their cards or asked whether they are on a strike?

Mr. MORTON. No, sir.

Commissioner O'CONNELL. Any record made of them by questions when they seek employment as to whether they had been on strike in any place?

Mr. MORTON. In some instances we make a record of that sort. If a man has been particularly aggressive and has caused a great deal of notoriety because of that aggressiveness, we may remember that man; but the other men who go out on a strike we would not.

Mr. LEISENSON. Will you furnish the commission, please, with a full set of the forms and records that you keep?

Mr. MORTON. Yes, sir.

Commissioner BALLARD. Do you feel that perhaps while the State employment bureau might not take the place of your employment bureau, do you feel that the State employment bureau would be satisfactory for unskilled workers?

Mr. MORTON. Yes; I believe it could do a great deal of good in that respect.

Commissioner GARRETTSON. I understood you to say that a system of Government employment agencies could not successfully serve the purpose that is now served by the agency of the type of yours. In your opinion, could any form of employment agency that could not be wholly dominated by men whom you represent as employer fill, in your opinion, that mission?

Mr. MORTON. No, sir.

Commissioner GARRETTSON. That is all.

Chairman WALSH. Any other question? That will be all, thank you, Mr. Morton.

Mr. LEISENSON. Mr. Chairman, I would like to recall, for one question, Mr. Marr.

TESTIMONY OF MR. GEORGE A. MARR—Recalled.

Mr. LEISENSON. Is there any system, Mr. Marr, of tattooing seamen in order to show the sort of people that you would not want to reemploy?

Mr. MARR. Absolutely no—that is rather an absurd question.

Mr. LEISENSON. May I ask you, have you any idea where that rumor is from?

Mr. MARR. I have seen it illustrated in a seaman's trade paper as a cartoon, and I think—speaking from memory, I think it stated that a system of that kind was followed in foreign countries, but I am quite sure that it never was for the purpose of branding a man as against reemployment or anything of that kind, but for the identification of dock laborers, whom they knew better by numbers than by names.

Mr. LEISENSON. Is there any system of identification, like that by tattooing, in your association?

Mr. MARR. Never; on the Lakes, every man that works on Lake vessels—

Mr. LEISENSON (interrupting). And you know that certainly?

Mr. MARR. Oh, absolutely; the thing is too absurd. Never could have been. The class employed on Lake vessels would not submit to that sort of thing; and no employer or vessel owner would want to degrade the man with a thing of that kind. Absolutely not.

Mr. LEISENSON. That is all.

Chairman WALSH. That is all, thank you, Mr. Marr. Call your next.

TESTIMONY OF MRS. S. J. ATWOOD.

Mr. LEISENSON. Will you state your name, Mrs. Atwood?

Mrs. ATWOOD. Sarah J. Atwood, No. 12 State Street, New York City.

Mr. LEISENSON. What is your business, please?

Mrs. ATWOOD. Employment agency business.

Mr. LEISENSON. How long have you been in the employment-agency business?

Mrs. ATWOOD. Twenty-two—nearly 23 years.

Mr. LEISENSON. What kind of help to you supply?

Mrs. Atwood. Everything that goes for dirt moving, railroad work, aqueduct and canal work.

Mr. LEISENBERG. How many people do you employ in your office to do this work?

Mrs. Atwood. Well, in the New York office I have about five.

Mr. LEISENBERG. Have you other offices?

Mrs. Atwood. No; at present, no. I have run from five to nine offices in different parts of the country up until the last two years.

Mr. LEISENBERG. And approximately how many do you furnish?

Mrs. Atwood. I could not say. It is so different in different years.

Mr. LEISENBERG. Say in the last year.

Mrs. Atwood. It would run anywhere from 2,000 to 15,000 according to the different years, and the demand, and the number of offices.

Mr. LEISENBERG. The last year—1913—about how many?

Mrs. Atwood. I should say in 1913, perhaps, 2,200 to 2,800 of the unskilled labor; and I think about a thousand more of skilled labor—perhaps 1,500 more of skilled labor—that is, foremen and headmen.

Mr. LEISENBERG. Any women?

Mrs. Atwood. Not at all. Occasionally a man and wife on a farm.

Mr. LEISENBERG. And you charge fees—how much?

Mrs. Atwood. I charge common labor \$2, but that varies. In about one-half of the positions I fill the employer pays it.

Mr. LEISENBERG. Do you not charge the workman when the employer pays?

Mrs. Atwood. Not at all when the employer pays it; only charge one side. In farm labor I charge \$2 to the employer, and nearly all of those cases they ask to have \$1 of it deducted from the employee on the first pay, making each one stand \$1.

Mr. LEISENBERG. In order to supply 2,500 or approximately 4,000 you mentioned all together—

Mrs. Atwood (interrupting). Yes.

Mr. LEISENBERG (continuing). You have to employ five clerks.

Mrs. Atwood. I have from three to five, sometimes six or seven. Part of those are roadmen.

Mr. LEISENBERG. And you give your own services to it as well?

Mrs. Atwood. I do.

Mr. LEISENBERG. So you have from six to seven people to place 2,800.

Mrs. Atwood. But you understand, that also carries the roadmen, the delivery men, the delivery man comes in and works out of the office. He goes out on the road—

Mr. LEISENBERG (interrupting). You mean as a pilot?

Mrs. Atwood. Yes, sir. Consequently it makes about half that number at the office would be all that would be necessary.

Mr. LEISENBERG. Can you give us a general idea as to the approximate cost to your office for every position secured?

Mrs. Atwood. No; I could not. It would differ so greatly that it would not be possible. The conditions are so entirely different under different conditions that it is impossible. I could not give it.

Mr. LEISENBERG. Do you consider that the licensing and regulation that the State law provides is desirable?

Mrs. Atwood. Yes, sir—and no. I would consider that a law all over the United States for one license—one form, one contract, one law for each State to live up to, would be of great assistance; but I do not believe if you mean your law, your suggestion—that it is feasible.

Mr. LEISENBERG. Well, will you give us your reasons?

Mrs. Atwood. First, I can see nothing in the bulletin system, for example. I heard yesterday, mentioned by one of the witnesses here, that they received a bulletin every two weeks. Suppose that bulletin is every day. I have received at my agency a specific order for a certain number of men. I do not go one man over that order, unless I have already telegraphed or telephoned those people to ascertain if they will increase that order before I fill the order. If an order is over 48 hours old when I get my men together I telephone or telegraph, and I ask them if that order still stands unfilled, and it may be that they have picked up 50 men in that time. But if not, then I ship my full crowd forward. Frequently circumstances change hourly. We are not dealing with goods on the shelf. I can not see how a bulletin stating that at a certain point 50 men were needed, why you couldn't judge anything about it; the men would drift in from all over the country.

Mr. LEISEN. Wouldn't it be possible, if distributing the bulletin merely gives you general information that in this town so many people are wanted on this particular day. If you want to go there for this kind of work, apply to your local employment office, and find out whether that business is still open.

Mrs. ATWOOD. It might do. But, again, the particular kind of labor that I deal with would drift there just about once; and we go out and verify and make extra inquiries, and at the very small towns those people are not allowed to lie around and wait there for employment. When the season of unemployment comes, they don't drift into these towns to look up work, but they drift here to the city for the winters, where it is easy, and at the small places it would not be possible to cover every little town, and I think that the men who would drift to those places and in two days be disappointed, would be known all over the United States, and I believe it would be of great harm.

Mr. LEISEN. Let's get back to the other question—

Mrs. ATWOOD. Yes.

Mr. LEISEN. Do you consider the law which created the office of commissioner of licenses in New York City, and the licensing of your business and the regulating of it, a desirable law?

Mrs. ATWOOD. I do.

Mr. LEISEN. Will you give us the reason for that?

Mrs. ATWOOD. I think that law, strictly adhered to, is enough to cleanse the business of everything that can be considered undesirable in connection with employment agencies.

Mr. LEISEN. Is it strictly adhered to?

Mrs. ATWOOD. Oh, probably not. Employment agents, like the rest of citizens, are good or bad, you know.

Mr. LEISEN. Well, I mean the regulation on the part of the State or the city—is that strictly enforced?

Mrs. ATWOOD. I think our license commissioners, as judges, have done their very best.

Mr. LEISEN. Do you think they have accomplished the purposes of the law, to remove the undesirable features?

Mrs. ATWOOD. As fast as they could see it.

Mr. LEISEN. Do you think they are slow in seeing it?

Mrs. ATWOOD. Perhaps not, when we change them every four years. Each one has got to have his time for experience, and I find that the first year in each case is given up to experience. I think that would be another thing with the organization by the Government. Your first three years will be a school for your employees. After three years, I consider the employee is getting worth keeping. You have got to train your employees first.

Mr. LEISEN. Have you any other criticism besides those that you have made of the general plan?

Mrs. ATWOOD. Yes, sir. I would like to speak of the matter of reporting private agencies, if this goes into effect, of reporting to your main office, to your clearing house. It does not seem to me that would be a fair business proposition for a business man to ask for another business man to take his private business and report it every day to his competitor.

Mr. LEISEN. Do you consider the furnishing of jobs is a private business?

Mrs. ATWOOD. I should consider that the books at my office are. I give them to the license commissioner each day, give them all the information I give to my particular employers, except what information I give to the laborer.

Mr. LEISEN. Is it your idea that this information would require the details and names of people?

Mrs. ATWOOD. I understood so from your saying that each order should be reported daily and in full.

Mr. LEISEN. No; but would you have any objection to stating the number of people wanting them, and the number of people placed, the occupations?

Mrs. ATWOOD. Yes, if you mean that I am to comply with the suggestion here that the business is to be—that an effort is to be made to secure all this business for the Government offices. I would be giving them to my competitors, and giving him an opportunity to make his offer—

Mr. LEISEN. Without stating the name of your employer or employee.

Mrs. ATWOOD. There could be no possible objection to it.

Mr. LEISEN. There could not be?

Mrs. ATWOOD. Not a possible one.

Mr. LEISEN. That is what I thought, and what I had in mind.

Mrs. Atwood. At the present time we report daily to the license commissioner every man shipped, and where he goes; and so far the license commission office has not interfered in any particular that I have ever heard of with any agent.

Mr. LEISERSON. Then you would not object to a similar report being sent to the Government office?

Mrs. Atwood. No possible objection. Now there is one other point here—the \$1 fee. I do not think that would be fair to the agents. In most instances the men that come to me—I book 50 men, say, for an order, and ship them without the collection of any fee. I never register or keep no list of employees—only of a man's name whom I have a position for. The position comes first, and I employ the man afterwards. I book him and send him to the work, taking his name and address, and he signs a legal deduction sheet for his fare or fee, or whatever I may have to be obliged to deduct from him. In that instance there is no passing of any money. He does not even have to provide food on the way to the work, and the railroad or the contractor provides the railroad fare—

Mr. LEISERSON (interrupting). Now, on that point—pardon me—

Mrs. Atwood. Yes.

Mr. LEISERSON (continuing). Is there any difficulty to get the employers to advance the railroad fare?

Mrs. Atwood. Not at all.

Mr. LEISERSON. So that the question of distributing labor throughout the country would not be held up because of the lack of transportation?

Mrs. Atwood. Absolutely not; if they need the men they will put up the fare. And the contractor has placed himself in a position, if I may explain this, that he can not object to it. I want to give you just one example to make this plain. A year ago last spring there was an order came from near Albany for the canal works. I received the order in the afternoon, and I found out in an hour that that order was being filled all over the city. The order had been sent to six offices for 25 men. I immediately telephoned to find out whether they wanted 150 men or 25 men. I think every office in the city received that order, and there were many men went up there, and when they got to the employer he took the best 25 and the balance of them beat their way to New York City. If there had been any law to hold that employer liable it would have been a good thing, but there was no redress.

Mr. LEISERSON. That is, all these agencies sent forward men?

Mrs. Atwood. Yes; and while there was no responsibility upon the employer as to fare, that being done has gone broadcast. It was done two or three times. And to-day, when an employer comes to get men, we immediately say, "You will put up the fare," and he admits by his answer to that question that if he expects to get those men he is obliged to pay it, that fact showing that he needs the labor.

Mr. LEISERSON. Does that happen that offices will duplicate those orders—

Mrs. Atwood. No; it does not happen very often here because it could not. A man would not go to Brooklyn without his fare.

Chairman WALSH. At this point the commission will adjourn until 2 o'clock. And when we reconvene it will be in the reception room opposite the mayor's office, on the floor below, for this room is to be used for another purpose this afternoon.

(Thereupon, at 12.45 o'clock p. m., a recess was taken until 2 o'clock p. m., of Tuesday, May 19, 1914.)

AFTER RECESS—2 P. M.

TESTIMONY OF MRS. ATWOOD—Continued.

Mr. LEISERSON. Mrs. Atwood, you said you have a few additional statements you wish to make?

Mrs. Atwood. May I ask first, did you ask me the question how many common laborers, or how many carpenters I sent out during the past year?

Mr. LEISERSON. Common laborers.

Mrs. Atwood. That was my mistake. After I got onto it, I was asked that question outside, and I made a little list during my noon hour. My shipments during the year was 4,651 common laborers, 2,788 carpenters and helpers. The balance, made up of cooks and blacksmiths, 380 farm hands, 44 married couples, and the balance, making up a total of 8,557, from the New York office only.

Mr. LEISENSON. Have you found out what it cost you to send them out?

Mrs. ATWOOD. No; I did not go into that to find out, because it varies so much, and it would almost have to be given to you in writing, as to the different places. In keeping the employees, probably one-half of those employees who were kept at the office would be road men, makes a list of about four to five at the office all the time, and others going and coming, working a day and out again. There is still one question asked me here. I was asked about how any one part of the country could be bulletined to know what was going on in any part of the country. In having my office, it may be of interest, I have kept the nine offices running, when I have one at Portland, Oreg., Butte, Mont., Ogden, Utah, Salt Lake, Denver, Kansas City, Omaha, and Chicago, then east as far as Philadelphia, New York, and Roanoke, Va. I found that if there was something rumored on the Bowery to-day, I could leave here this afternoon and go on, by day after to-morrow into Chicago, and my office was fully informed by what the men on the road call the *Hobo Gazette*; and really, the workmen are better informed in these things than anyone, unless it is some of the large contractors in immediate touch with it, and the information is most accurate.

Mr. LEISENSON. Are they informed accurately? Isn't it a fact that great numbers of working men travel across the country on rumors as to where positions are, and when they get there they don't find any?

Mrs. ATWOOD. They are pretty sure, and you can ascertain pretty near the condition of any camp; and I venture that I can go down to the Bowery to-day and give you the information in an hour of almost any camp in this country right from the men, and pretty near the conditions and wages. They know pretty close.

Mr. LEISENSON. In regard to whether the position is open, you said this morning that these men might hear of a position, but when they get there it might not—

Mrs. ATWOOD (interrupting). That might be true of a bulletin, but speaking of how the workmen know what is going on—when the double tracking of the Union Pacific Railroad was going on, when they built the Tidewater from Norfolk to Portsmouth, there was two years' work, steady work, and the condition of work on these lines would be perfectly satisfactory, for if they landed in Chicago in February or March, it would be just the same, and on all of that work contractors paid the fare, and if a man stayed 90 days, they gave it to him free, which gave him an incentive to remain, to stay, and if he left under 90 days, he understood he would lose that. There was one point more—perhaps I am skipping the question you would like to ask?

Mr. LEISENSON. No.

Mrs. ATWOOD. I want to show that the employment offices are lowering wages, having that effect. I have found in each instance—in my Chicago office, I was there working in conjunction with the city agency, and in New York I worked just the same as I have in every city, with every charity organization, with the Prison Association Union, and if I can place a man I will help any one to do it, but I found that in every instance they called on me for help to place some one—I will only specify one instance here that may explain it. Yesterday noon, when I left this room, I went to my office and I found an order come in from the license commissioner's agency for a man and wife, which they did not have. The man in charge of my office during my absence started out with a couple. They simply stated the wage was \$35 a month for a man and wife on a farm. We naturally took it for granted they had inspected the whole matter and found it approved. When we arrived at 29 Lafayette Street they said the man and wife would have to go to a gentleman away out in Harlem again. They took another train and went. At \$35. Now, without knowing the conditions, asking nothing, we carried them out and back again, but when we got there we found it was \$35 a month and a house, three small rooms that would have to be fitted up for them to live in and board themselves, buy all the food and pay their own railroad fare out there, and they might have what they raised on a small piece of garden. If an employment agency, licensed in New York, did that, they would take our license away to-morrow.

Mr. LEISENSON. Of course, you don't mean to say every employment office would absolutely have to be run as inefficiently as you stated this particular case was handled?

Mrs. ATWOOD. It would not have to be, oh, no; but you have got to pick your man, and he knows and takes his orders, and it is his business and he has got

to be required by law to do it, and in our work we send out blanks and I must know all the particulars.

Mr. LEISENBERG. That is to say, if the same rule were enforced by the license commissioner against the private employment agency, they should be enforced against the free agent?

Mrs. Atwood. Yes; and in the case of \$35, I would reject the order at my office, because the first question I would ask them would be the wage. Experience would learn me. They test a man for six weeks' or three months' experience. When I had been in the business three years I found out how little I knew, and when I have 13 years' experience I just began to find out I knew something about it, and then I had nine offices, too. I found out very much, indeed. Now, the others thought the interchange of labor—

Mr. LEISENBERG. The point you want to make there was that in offices, whether run by private or public authority, they need people experienced in them?

Mrs. Atwood. It is not. I have got valuable men, been with me three and four years, and I do not consider a man under a year or two of proper character; no.

Mr. LEISENBERG. What is the next point?

Mrs. Atwood. The next point. There is one thing I want to bring, a complaint. There was one yesterday. A complaint. One hundred and fifty complaints or abuses, it was termed yesterday. I would hardly consider it fair to the employment agencies of this city, whom I believe rank with other citizens around the country—my experience has learned me that—to say that 150 complaints was 150 abuses. I think 100—

Mr. LEISENBERG (interrupting). You don't seem to imply that 150 complaints were all?

Mrs. Atwood. Abuses; not at all.

Mr. LEISENBERG. Or that that was all the complaints that might have been made against the business?

Mrs. Atwood. I think among the foreign element, that if one man has a complaint and that complaint is heard and credited, you might have 150 inside of three days, which would, all of them, upon investigation, turn out not to be correct. To give an example, during Mr. Bogert's term here I had 15 subpoenas served on me by a gang of Greeks who came from what they call the border line between Turkey and Greece. They are very ignorant. Our law requires that a man shall have a contract in his own language that he can read. And I sent these men out. There was but 1 man in 16 men who could read or write, and I hunted the town almost over to find some steamship agent who understood their vernacular and could make it understandable to these men. They were gone about two weeks and then I got—without hearing from them—I was called upon by an investigator, and I wrote out and found that this was the gang. I took interpreters of the Greek language that I had hired for them, and after the other side had been all heard and a Greek lawyer whom they produced found out that 15 or 20 men could neither read nor write, but we could not keep them out of work on that account.

Mr. LEISENBERG. What was the result of that case?

Mrs. Atwood. That was dismissed, but there would have been what we term 15 abuses, and it was not. We couldn't learn them to read nor write, and we gave it in English; but Mr. Bogert, of course, dismissed the case, stating to the lawyer that he should have made it understood in the beginning that he could not come in; but I think there is something there that perhaps the local agent suffers from when he is not to blame.

Mr. LEISENBERG. If you will take up the next point that you have in regard to our plan.

Mrs. Atwood. The case of a dollar fee being charged. If I send a man seven or eight hundred miles out, it would be a very hard thing to ever collect it back. In my business it would touch me very little; I can see instances where it would be ruinous. My contractors cover me with deductions, or else pay it themselves. The only men from whom I collect is skilled laborers, carpenters, and foremen.

Mr. LEISENBERG. Why should the fee be more than \$1 for common laborers?

Mrs. Atwood. It should.

Mr. LEISENBERG. In the West it is common all through there for common-labor jobs?

Mrs. Atwood. In the summer it is so scarce that if the employment agent keeps the contractors' work they have to make that a fluctuating scale in order to get the men quickly.

Mr. LEISENSON. In the summer time when work is plentiful you charge \$1? One dollar might be charged?

Mrs. ATWOOD. Yes.

Mr. LEISENSON. In the winter, when there are few jobs, very many people unemployed, then the private employment agencies raise the fee so that it becomes still harder for those unemployed to get work, is that the idea?

Mrs. ATWOOD. In my office I never made any difference whatsoever, except this: In New York they do not do that at all. It does not have to be done. In this part of the country when an employer calls for labor, when it is scarce, he says, "You have to pay the office fee and make some particular concession, and make it more attractive to him." In the western country the employer never pays for his men west of the Mississippi; in fact, very little in Chicago. There I have had a contractor come to me and say: "My work will close down; will you give me 100 men free of charge? Get them of all kinds of nationality—anything you can get—to relieve the situation." Then we have to put up a sign and take everything, what we would consider bums, what at other times we would not take at all.

Mr. LEISENSON. Have you any other suggestions in regard to our plan?

Mrs. ATWOOD. There is one suggestion that I think is the only one myself that would properly settle the question. That is, by the years, from Alaska to Mexico, from California back. In the winter there is no place for you to trade your labor from one State to another. It is cold everywhere. In three years of the 22 years that I have been in business I have found that business was good, that called for men all winter, things like the Tidewater, like the Union Pacific, the building of the East Coast; but those years were active all over and any man could get work. There is a list of unemployables who go into the large cities for the winter, not to obtain work but for easy living during the winter. There is no remedy for him.

Mr. LEISENSON. That is, that your idea is that employment offices can not make work?

Mrs. ATWOOD. No, sir; they can distribute the work. If the United States Government would take one piece of the Mississippi levee that could be worked all winter; if there were one piece of road work where it was sufficient to give work in the middle of December, for three weeks, and then let every man who wanted employment apply and go to work for the regulation wages. If he did not want employment, take him and lock him up for 90 days. In that way you would give him a strong habit and a good body and good feed.

Mr. LEISENSON. How about the work of cutting ice and in factories, like the steel mills, the metal trades, that ordinarily do not have seasonal employment? How about that for work in the wintertime?

Mrs. ATWOOD. The steel mills are very close in the winter. They cut very closely. The woods take a very small per cent, probably more in Chicago for the North Woods and up in Michigan, but they have very little. There is very few of those men that are fitted for the work. The per cent is extremely small that can go up into the North Woods and do that work. If we had 200,000 unemployed this winter, we had 100,000 unemployable.

Mr. LEISENSON. What would you suggest?

Mrs. ATWOOD. If there is employment made, and these men are taken and given good, wholesome, outdoor work, portable buildings can be put up, rock crushers can be started. Those men can be well fed, and in 90 days would learn the habit of industry, and some of them, perhaps, might begin a very different life.

Mr. LEISENSON. That is all.

Commissioner O'CONNELL. Do your agencies handle men for steamship companies?

Mrs. ATWOOD. Some.

Commissioner O'CONNELL. Are you in the association?

Mrs. ATWOOD. I am not in the association with any of those. I have steamship companies. The men come here, they drift here. For instance, the Finnish, such a line, and the North German Lloyd, but that is all. There are steamship agents on the other side that are loading us up pretty well with high-priced men with inflated ideas of this country.

This is one plan I would like to suggest. I have just an order blank, a copy of one that I use.

Mr. LEISENSON. Will you hand that to the stenographer, and it will be marked as an exhibit to your testimony?

Mrs. ATWOOD. Yes, sir.

ATWOOD'S EMPLOYMENT AGENCY.

Mrs. S. J. Atwood, proprietor.

12 State Street, New York.

ATWOOD EMPLOYMENT AGENCY.

DEAR SIR: We hereby give you an order for ----- men, to be sent to our work at -----.

We will take these men from (State, city, or town, if you will accept them from any point we can obtain them).

What nationality preferred ----- If unable to secure above nationality, we will accept ----- What kind of work ----- How many hours per day ----- What are wages ----- How long will work last ----- How much is board ----- Can men board themselves ----- If men board themselves, what do you charge for camp, and what do you furnish them? State fully as possible ----- What is hospital fee ----- Is there a strike ----- Will you advance railroad fares ----- If so, in what installments will you take it out of their wages -----

Remarks -----

(Signature.)

Mrs. ATWOOD. I think the order blanks I have found that should be required, and they are put on and filed in my office, and they are ready for the license commissioner or anybody who wishes to look at them.

Commissioner O'CONNELL. If an employer sends to you from a distance, do you ascertain whether there is any kind of trouble—a strike, for instance?

Mrs. ATWOOD. Absolutely.

Commissioner O'CONNELL. It is necessary for you to have that information?

Mrs. ATWOOD. I would not send a man unless I knew about it.

Commissioner O'CONNELL. If you found there was—

Mrs. ATWOOD. I do not fill strike orders ever. I keep out of it entirely.

The question has been asked a number of times about investigating camps. I think there is a little wrongful idea on that subject. Many of our people who go to investigate a camp go from a steam-heated apartment in New York City to a camp. They do not find the conditions and they at once denounce the camp. I have lived for 14 months following up train work. I have followed the laying of the pipe lines in Iowa and have lived in a tent when the temperature was 28 below, and we had 2,000 men, and I never found any trouble; we put in good stoves and we had good food, good wages, good clothing for the men.

Commissioner O'CONNELL. What do you call good wages?

Mrs. ATWOOD. We gave \$1.75 for nine hours. Their food cost them nothing. A commissary was run on the work by an American.

Commissioner O'CONNELL. What did it cost the men?

Mrs. ATWOOD. We worked there Austrians, Polish, Germans, Finnish. The ordinary men run from \$3 to \$4.50 a week, and he ate good.

Commissioner O'CONNELL. One of the gentlemen here yesterday spoke of the ice camp.

Mrs. ATWOOD. Yes, sir.

Commissioner O'CONNELL. About some straw thrown into a tick, and the men slept there and had blankets. Do you consider that good?

Mrs. ATWOOD. I don't know that one of those laboring men would know a sheet and a pillowcase if he saw it. I would like to see somebody that could show me 50 men that I could hire that would take those accommodations and stay over night. Men will not go to those places and stay on the work; no. They know there is better, and they are taking them.

Mr. LEISERSON. Your statement is that the men will not stand for the better conditions?

Mrs. ATWOOD. They will not stand for the friils, as they would consider white sheets and pillowcases.

Mr. LEISERSON. Do you know that last week the Northern Hemlock & Lumber people had a meeting, in which they appointed a committee for the purpose of improving the camp conditions and laying down standards as to what was required in the camp?

Mrs. ATWOOD. Yes, sir.

Mr. LEISEBSON. And they stated that it came out in their proceedings that there were many of the smaller contractors to clear a certain amount of land that had accommodations that were not fit for the men to be in, and that the lumbermen themselves, both in the North and in the South, are now seeing the necessity for putting in sanitary conditions in the camp and admitting that they did not have sanitary conditions previously?

Mrs. ATWOOD. I would like to state what we were——

Chairman WALSH. Please answer the question.

Mr. LEISEBSON. Do you know about that?

Mrs. ATWOOD. I know that the North Woods camps, the ice camps, which are temporary camps——

Chairman WALSH. No; he asked you if you knew about a certain action?

Mrs. ATWOOD. I did. I heard of it from Chicago.

Chairman WALSH. That is all. That is all that was asked. Was there something else that you wanted to say?

Mrs. ATWOOD. The camps we considered had a good stove, a good table, and a place for the men to wash and clean, and a place for their laundry, when they wished to do it. We considered that that was all that they found necessary; and, in fact, when sheets are put on they generally disappear as fast as they are put on. The men do not want the frills. I have always found the contractors willing to put them on; at least, not adverse to it; but the men do not care for them.

Chairman WALSH. If there are not any other questions, that will be all. Call your next.

We are obliged to you, Mrs. Atwood.

STATEMENT OF MRS. S. J. ATWOOD.

I am deeply gratified to be asked to express an opinion before this body to-day, and for many reasons I believe that this meeting has been called to try to earnestly and honestly solve the problem of the great mass of unemployed, which at a certain season of the year comes before us so urgently, and again because, having dealt with the workingman for over 20 years, I am most deeply interested in his welfare and in seeing this problem solved as we should solve it, to be doing our duty to each of our fellow men, and I hope that my view of this matter may be of a little assistance and have at least some weight in forming a plan of action to alleviate the present conditions.

My experience, perhaps, makes me realize more deeply than many of you present the necessity and demand for practical action.

For over 20 years I have, through employment agencies, handled laborers for building railroads, dams, aqueducts, canals, and farm work. I have had offices at Portland, Oreg.; Butte, Mont.; Ogden, Utah; Denver, Colo.; Omaha, Nebr.; Roanoke, Va.; Kansas City, Chicago, and Philadelphia, as well as in New York City, and besides these laborers, have gathered laborers and distributed them to every city in the Union, as well as to Canada, and south into Mexico. For about five years I also boarded and ran the commissary stores for all laborers employed by the Oregon Short Line Railroad. This boarding outfit usually carried from 1,500 to 2,500 men on its roll steadily, and many times was far in excess of that number, consequently I have come in direct contact with the various classes which you are here to-day to discuss.

When the investigator of labor relations of the United States Government called upon me he showed me a short chart, giving different plans which were to be discussed at this meeting, and asked which I favored. My instant reply (about which I have seen no cause to change my mind) was, "None of them."

In the first place, there are two causes for the condition which annually strikes all cities in the United States of unemployment. Those who wish to work, but find all farming and railroad labor closed for the winter, and those who, for many years, have come to the great centers, profited by the bread line and the lodging houses, and make their calculations of finding over a cold winter without work in the open. There is but one practical solution of this problem, and that is work. Establishing official centers, putting out daily bulletins, either through postmasters in various parts of the country or through an agency for that purpose, can not work any great reform, as during the summer time it is not necessary, for it is almost impossible to find laborers to meet the demand, either for farms or railroad work, and in the winter, when there are no demands for labor in one part of the country there seldom is in another. Only three winters since I have been handling laborers have large works started and been kept up continuously through the winter and employed all the labor

which we could obtain, and when these very active winters were demanding the labor in one part of the country, I noted that the same activity was taking place in all parts of the United States, and that there was very little use in trying to induce men from any other part of the country to travel for miles to any particularly large contract—there was plenty of work for them nearer home.

The keeping of these bulletins or statistics by the Government at Washington, of the great army of unemployed would, it seems to me, only be creating labor for clerical help, and would be a very fine source of appointments for some noted politician to hand out, but I can not understand where it would help the laborer who is waiting outside for a job. It reminds me most forcibly of a so-called charitable institution which, some two or three winters ago, during the idle season, placed an "ad" in the morning papers for all men needing employment to call at their office early next morning. Men lined up for blocks, were kept in line by the police from 4 o'clock in the morning until nearly noon. They passed into the office in rotation to be handed blanks requesting their name, address, nationality, number of their family and class of work which they could do. Toward noon the matter was investigated officially, and inquiry made as to what it was done for, and the answer was, "To get statistics as to how many unemployed there was in the city." It occurred to me that it was a good deal like a scientist impaling an insect. I can not understand where these pretty theories and statistics are going to be of any possible aid in furnishing employment to the laborer.

Another thought of the Government is "back to the soil." This is a splendid idea; but I have noted that wherever I have shipped a laborer who in his heart was a farmer, who wished for that work, and who ever wanted a home, he has always found his particular piece of ground to till, whether he was sent to the wilds of Idaho or the glades of Florida, for while he handled a pick and shovel his mind continually roamed to that home which, in imagination, he knew was waiting somewhere for him, and he has been ready to toil and save and find his place in the world.

The larger percentage of the foreign element who come into this country will not farm. It is impossible, during the farming season, to commence to fill our orders for farm hands at even the very best of wages, and many of them are then incompetent and unwilling to learn. In this connection I would say I held upon my books for many months three distinct places where I could send families, fare advanced. The places were furnished with horses, a cow, pigs, seed, and the living for the first year until the crops were harvested, and every opportunity given to own their own home. Any nationality accepted if they were real farmers. The result was one German family sent in eight months. This family, by the way, have made exceedingly good money and done well. As a rule, all foreigners wish day wages and regular pay days and no sense of responsibility. I see but one possible suggestion, and that is, making the employment and not scattering the laborer to that which is already in progress.

If the State of New York would open at least two pieces of work—and we certainly have a demand for highway improvement—and be ready for this work to commence as the general work of the country begins to decline next fall, I think this problem would be solved in so short a time that we would be amazed at the results. I would suggest work which could be readily furnished by our State engineers where there is rock to be handled. In many places in this State immense rock cuts have taken the entire winter, and the rock underlying this part of the country is handled even better in cold weather than in summer. If for this work, as an experiment, the State or city does not wish to incur the expense of a large plant, there are several large firms from whom rock crushers, steam shovels, and all implements could be rented at nominal figures. On one piece of this work I would use all unemployed men who are willing to work and can not obtain it, and this can be done at the ordinary wage schedule which prevails in this State to-day of \$1.60 for eight hours. Good portable buildings at very cheap rates can be placed on this work, organizing a good, up-to-date camp and doing this work at a lower rate than any contractor in the State can possibly handle it for.

The second piece of work, which should be opened at the same time, should be as near as possible to the city. There are several places I have in mind where large crushers are needed, where the rock can be prepared, except for a few days, during any ordinary winter, and at any time can be distributed along the line where it is to be used.

For this second camp I would use the unemployable man who refuses work, frequents the lodging houses and the bread line. I would have him arrested for vagrancy. Thirty days' good work in the open air, with proper food and proper

sleep, would make a workingman out of a street "bum." Jailing a man for vagrancy does not do this. While this second camp would have to work under guard, these camps can be made sanitary, homelike, and cheerful and not a place of punishment, but one which will send out better men physically and mentally when their time is up.

If there are married men at either of the above camps, then I would suggest that a certain percentage of their money be turned over weekly to their families. In this manner we are taking the burden of the families from the charitable organizations of the city; we are taking the man from the sound of the charity organizations, or being supported by the taxpayers in jail, and making him a self-supporting man, as he should be. I do not believe that we should make a single human being a mendicant. He has the right to be a self-respecting, self-supporting man, and if conditions have brought about the present state of affairs, then we should right about face and at once find the remedy, which is self-respecting work, and strong, healthy people who will not work willingly should be made to do it. Idleness is simply a habit.

I note that the Government investigators seem to think that the cities are only crowded in winter because men come here to look for work. This is not so. Small towns and the country will not tolerate idle men who are discharged from the farms and work, lying around all winter, and the men state frequently and frankly that nowhere can they live so easily and well as in the large centers. To show that the matter of road work is perfectly feasible and can be done in a satisfactory manner, and also with a saving of money to the State, I would like to quote a few figures. I find in the reports of the State highway commission of New York for 1912 that the ordinary work through this State, where there was only a little earth grading, runs from \$12,130 up to \$52,078 per mile. I find, again, in the comparative figures on work done in 1900 in the United States, compiled by J. E. Pennybacker, Jr., that the cost per mile of roads varied, and was the least in Arkansas.

	Gravel	Macadam	Bituminous.
Arkansas.....	\$940	\$325	.....
California.....	1,375	5,375	\$8,575
Pennsylvania.....	1,555	9,164	10,000
Virginia.....	2,200	4,920	.....
New York.....	5,950	9,496	.....

You will note in the foregoing table of prices that work in New York is much higher per mile than any other State for the same line of work. This, I am positive, is not necessary, as the material for good road making is very near at hand; and if a good competent engineer were put in charge and work handled in a businesslike manner by checking all accounts through an auditing committee, so that only actual expenses need be met, and graft could not exist, I think better roads for less money will be found to be an actual fact and the taxpayer profit by it.

There has been within the past 60 days a little over 48 miles of new roads contracts let in this State, at an average price of \$10,400 per mile, or at least this would be the price of the lowest bidder, and it is not possible that the city or State, taking charge of one of these pieces of work, could not handle it at the same figures or less and work out this great problem of employment which is calling the attention of the world.

Many States in the West are already building roads with prison workers, and found it not only feasible but that they saved the men, morally and physically, as well as saving money. I note in an article of the department of justice in the State of Iowa that they are working men at a wage schedule of from \$2 to \$2.50 per day; that the cost of the maintenance of their prisoners, which covers both guards and food, is \$1.01 per day; that the balance of the wages, in cases of families, is being turned over to them. Where there is no family it is all laid by for the man when his term ends, giving him a start of a few dollars instead of being a mendicant.

In Colorado, where prisoners are used upon both farming and road work, I find by the report of the warden, Thomas J. Tynan, that he speaks in terms not at all uncertain of the good that has been accomplished. I would quote one paragraph from his report:

"By working convicts on public highways we have saved the State many thousands of dollars, and the taxpayers have received the benefit of this tre-

meadows saving. To give an idea of the great saving to this State, I wish to quote a few figures based on actual facts: 'During the year 1909-10 we built 57 miles of finished roadway, saving the taxpayers of Colorado \$223,479.26 in actual cash; the above figures based on contractors' estimates. The cost to maintain these men was 32 cents per day per man, and not only are they building good substantial roads under competent overseers, but they are gaining a knowledge and physical condition that will enable them to earn honest livelihoods.'

You understand, in Colorado these prisoners working on the road are nearly all State's prisoners under long sentences and are worked in honor camps without guards, and the watchword of the Colorado prison has been reform and not punishment, and they are realizing to-day and sending into the world a class of men with better habits, mentally, morally, and physically, than ever before.

I worked for many years with the Prisoners' Aid Association, and my experience has been that the man, whether a prisoner or free, who is obliged to do good, wholesome work and is made an economic factor and wage earner as well as consumer, is the man who counts, not only in dollars and cents, but in his own estimation and self-respect, and every man taken from the great army of the unemployed and made to work for 60 to 90 days systematically and regularly, well fed and housed, has acquired a habit that will raise him to higher citizenship and make him a man in every sense of the word.

I was in Colorado many years ago when the Coxey army made their headquarters there, arranging for their trip to Washington. Up to that date it had been very easy to fill orders for railroad work with the English-speaking class, a large percentage of these being, of course, Irish, Swedish, and German-Americans. This army formed at a time when a wave of unemployment swept the country. This class, without exception, drifted into the Coxey army. They demanded something for nothing—food and shelter, without work, and became, from workmen, in every sense, hoboes. Many of these men I had placed on work for years, and I was interested enough to keep track of them afterwards, and when the army was disbanded I found about 5 per cent of these men ready for employment again. The balance were divided into two classes—one demanding positions and wages which they were not at all fitted to take and claiming that they were too good for common labor; the balance formed the army of tramps and hoboes that for many years infested the Western States and have not entirely disappeared. Those who before that time would have been ashamed to accept charity had acquired the habit of indolence and getting something for nothing.

Another point: I find that many of the immigrants who come to this country fully understand that there are all sorts of charitable institutions which will carry them on if they have simply enough to land here. For example, one Russian was only in this country some two weeks when his wife was in the confinement ward of an East Side free hospital, three children were in various charitable institutions, and he himself had received aid. On questioning him I found that friends in this country had urged him to come and save all expenses which it would have cost him in the old country, and that all of the immigrants from his part of the country had been informed the same—that there was no expense in this country, as we were very anxious to receive them. He fully believed that Roosevelt's policy was certainly a winner for the immigrant families.

In conclusion, I firmly believe that one year's trial of this plan would lessen the number of unemployed in this city to such an extent that you would feel the problem solved. I believe that if the United States Government would open one large piece of work on the Mississippi levee in the same manner, they would find that nothing more was necessary, and I am sure you will all agree with me when I say that every dollar of money which both State and National Governments can spare should go to the making of employment and not to theories and statistics. No chain of agencies formed in the United States, whether private or Government, can give work when no work is to be had. Each State has been working out its own problem, and can not take care of those within its borders, while each State would like to obtain labor from some outside source and can not find it. The table of prices of road work which I read to you some time ago shows that road work to-day in New York State has been let at higher prices and costs this State more than in almost any other State in the Union, while statistics show that New York has more unemployed than any other State. It seems to me that these two assertions should be taken to heart by thoughtful people and be made to solve our problem.

Other States are finding that they can do their road work at less than it is costing New York by the same process, and if we were to make prisoners of those refusing legitimate employment and giving work at the ordinary price to those who are willing to accept it we would get the much-needed work done at a lower price; make the existence of a municipal lodging house unnecessary; cut out the bread and pie lines from the East Side; take the burden of supporting the families of the unemployed men from the charity organizations; relieve the taxpayers from boarding and caring for vagrants in the jails; and compel every consumer to be a producer, whether he wishes it or not. This should be done in all States, but I speak particularly of New York City, because it is the landing place and dumping ground of the immigration of the world; and the first place where these immigrants land they are almost certain to return to; and hundreds of them when sent to distant States for employment will stay only a certain length of time, when they must return to New York City; and if compelled to work when they came here to winter a great number would not return, and I fancy that other surrounding States will very soon have to start work in the same manner to protect themselves from New York's overflow, which will stampede to other centers as soon as compulsory work is commenced here.

I can not see where there should be any aversion to prison labor. Because a man is arrested, he is not out of existence. He is still a consumer, a unit to be figured upon, and he should not only be allowed but compelled to be a producer.

I find in the yearly report of John A. BenseL, State engineer, that the State and county roads under improvement for one year show: "State and county roads improved during the year, 3,578 miles; State and county roads under contract for improvement, 1,627 miles; expedited roads (not contracted for but which is contemplated), 298 miles; remaining State and county highways to be improved, 6,483 miles; total mileage of public roads in the State of New York, not including New York City, 80,000 miles."

Does it not seem that of all these miles of road for which big money is being paid to the contractors, who do all their work in midsummer, that at least 10 or 20 miles could be reserved by the State and done in midwinter, and thus furnish the unemployed of this city with proper work and for ordinary prices, and thus solve the problem of building roads, clearing our prisons, lessening our charities, and stop making our brother a beggar?

TESTIMONY OF MR. BENJAMIN JOHN JONES.

MR. LEISENSON. Mr. Jones, will you please state your name?

MR. JONES. B. J. Jones, chief of the employment bureau of the B. & O. Railroad.

I have made here in duplicate an exhibit—in duplicate—one of which I will leave with the commission and one I want to read into the record.

Chairman WALSH. Which one do you want to read into the record?

MR. JONES. This is it. They are in duplicate.

Chairman WALSH. This is gotten up so very well, might you not submit this?

MR. JONES. I will be very glad to.

Chairman WALSH. And then make any statement you desire.

MR. JONES. I would be very glad to.

MR. LEISENSON. Have you any additional points that you would like to make? Any statements in regard to them that you would like to make?

MR. JONES. No, sir.

Commissioner O'CONNELL. Give us the headings.

MR. JONES. The beginning of the statement shows the establishment of the bureau of employment, how we maintain it. It shows since we established it we have record of 321,464 men. Of that, there are 72,404 in the service, or active records, and 248,087 inactive, who are out of the service. Then, we show in this record our circulars outlining the manner of the establishment of the bureau, and we also show the work of the labor bureau.

The next shows 25,077 men, pretty near all unskilled, sent out by the labor bureau.

The next is the organization.

The next is the requirements of employees entering the service.

Then follows in succession the various forms, the form of the incentive or beginning of the record, and as it continues on to the present time. Each form is explained on the opposite sheet with as much detail as possible.

Chairman WALSH. Does that give the number of men you have handled?

Mr. JONES. Yes, sir.

Chairman WALSH. For instance, the statistics that you consider significant?

Mr. JONES. Yes, sir.

Mr. LEISENBERG. How long have you had that bureau?

Mr. JONES. The employment bureau was established November 1, 1912.

Mr. LEISENBERG. Prior to that time you used private employment agencies?

Mr. JONES. No, sir; the employment bureau and labor bureau were two different things.

Mr. LEISENBERG. Explain the difference, please.

Mr. JONES. The employment bureau is a bureau which investigates applications for skilled men. We also deem firemen and brakemen skilled men.

Mr. LEISENBERG. Something like the metal trades, as was spoken of this morning?

Mr. JONES. Yes; only we include firemen and brakemen.

Mr. LEISENBERG. Then, the labor bureau?

Mr. JONES. Unskilled men.

Mr. LEISENBERG. How long has this been in existence?

Mr. JONES. About two years.

Mr. LEISENBERG. Prior to that time you used private employment agents?

Mr. JONES. Wherever we could get them.

Mr. LEISENBERG. You did not find that satisfactory?

Mr. JONES. No, sir. We found it essential to have our own bureau.

Mr. LEISENBERG. Just what was the reason that led you to consider the private agency unsuccessful in supplying you with that help?

Mr. JONES. We just had the same advantages as the other men. We thought that by placing our own employment bureaus we would have the advantage over the other men, inasmuch as we could go right into the field and secure men first-hand, and that we would not have to depend on the labor agent. Another thing, we do not exact the fee from the men. We send him to the point of the work.

Mr. LEISENBERG. Do you have trouble getting men?

Mr. JONES. Not now. When labor is scarce we have the same trouble as other people have.

Mr. LEISENBERG. Your own labor bureau has the same trouble as it had prior to the establishment of the bureau?

Mr. JONES. We have the advantage of putting men on the job without exacting from him anything. The disadvantages—when a man wants to take a trip in the direction of a job, the man takes advantage of our free transportation and does not work.

Mr. LEISENBERG. Can you give us an idea how much it costs your company to maintain a labor bureau. Is it in the record?

Mr. JONES. No. I should say, at a rough guess, labor bureaus scattered around over the system, cost, in wages, \$500 a month; \$600 a month; and an expense, including rent, light, and heat, possibly \$300 a month.

Mr. LEISENBERG. About—

Mr. JONES. About \$1,000 a month.

Mr. LEISENBERG. About \$12,000 a year?

Mr. JONES. About that; yes, sir.

Mr. LEISENBERG. That supplies you with approximately how many laborers?

Mr. JONES. In the year there—my statement here shows—we shipped out during 1913, 25,077 men.

Mr. LEISENBERG. Of course, that total number did not go to work?

Mr. JONES. No, sir; not by a long shot.

Mr. LEISENBERG. You consider that investment that you put in there, of \$12,000, worth while?

Mr. JONES. Yes, sir; very much so.

Mr. LEISENBERG. In what way? What results does it bring to you?

Mr. JONES. The results, as I said before, we get the men now first-hand.

Mr. LEISENBERG. Do you get any better men than you got before?

Mr. JONES. No, sir; I don't think so. We get the men on the job. As I say, we have the advantage over the other men, and we deal direct with the men instead of going through a second man, a middle man, and then we do not exact the fee, which helps some.

Mr. LEISENBERG. What would be your position in respect to having this particular work done for you by the State employment office, which would give the same service to every other line.

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Mr. JONES. The same service; it would be, it seems to me, a very good scheme for unskilled men.

Mr. LEISENBERG. Have you gone through the plan?

Mr. JONES. Yes, sir; I have, thoroughly.

Mr. LEISENBERG. Have you made any suggestions?

Mr. JONES. I should prefer to write to you and go into it more in detail.

Mr. LEISENBERG. Thank you.

Chairman WALSH. Have you any provision made for communicating with Mr. Jones?

Mr. LEISENBERG. Yes, sir; we have.

Chairman WALSH. Thank you, Mr. Jones?

Mr. JONES. You will find that statement gives everything.

Commissioner GARRETSON. Let me ask Mr. Jones one question.

Chairman WALSH. Go ahead, Mr. Garretson.

Commissioner GARRETSON. Those figures that you gave as showing "active,"

I think, men with the service—

Mr. JONES (interrupting). Men with the service.

Commissioner GARRETSON. That includes men that were in your service prior to even the establishment of your—

Mr. JONES (interrupting). No; men in the service at the present time.

Commissioner GARRETSON. Regardless of whether they were secured by the bureau or not. If they were in the service before the institution of the bureau, they are included in the figures?

Mr. JONES. Yes, sir.

Commissioner GARRETSON. That is all.

Mr. JONES. The pamphlet explains that. We have two files, the active file and the inactive file, and the pension file, and in the active file are the men in the service at the time, and the inactive men are those who have been in the service.

Mr. LEISENBERG. Without regard to who they are.

Mr. JONES. Yes.

Mr. LEISENBERG. That is all, thank you. I would like to say that Mr. Jones appears also for Mr. E. E. Hamilton, who has charge of the work for the Baltimore & Ohio.

Chairman WALSH. Yes.

Mr. LEISENBERG. The next witness will be Mr. Larson.

TESTIMONY OF MR. A. H. LARSON.

Mr. LEISENBERG. Will you state your official position?

Mr. LARSON. I am statistician of the New York Milk Commission at present.

Mr. LEISENBERG. You are, or you were in charge of the work of the National Employment Exchange for how long?

Mr. LARSON. One year—that is, one branch of the office—the labor office.

Mr. LEISENBERG. Manual-labor office?

Mr. LARSON. Manual-labor office.

Mr. LEISENBERG. Do you know the purpose of the National Employment Exchange, so far as the manual-labor branch is concerned—what it started out to do?

Mr. LARSON. I think so.

Mr. LEISENBERG. And can you tell us briefly what that purpose was, and, from your experience, whether it succeeded or not? What were the reasons, if you know, that it did not succeed?

Mr. LARSON. As I understand it, the purpose of the National Employment Exchange was to conduct an exchange for the common laborer, honestly, and thereby eliminate the dishonest agency.

Mr. LEISENBERG. Was it your experience that there were many dishonest employment agents?

Mr. LARSON. I can not say that it was. There are employment agents whose ethics are not very high, perhaps, but I do not believe that the general run of employment agents are particularly dishonest. To be absolutely honest in the employment business and make a living—that is, with common laborers—I am inclined to think, with exceptional cases, is hardly possible.

Mr. LEISENBERG. Your idea is that it is impossible for a private employment agent to make a living and be honest in placing common laborers?

Mr. LARSON. Yes, sir; that is right. I wish, however, to qualify that by saying that I believe Mrs. Atwood is absolutely honest; that she is making a living.

Mr. LEISENBERG. Will you give us your idea as to the results of the National Employment Exchange experiment?

Mr. LARSON. My idea of the result of the National Employment Exchange was or is that we started out doing a certain thing without knowing enough about it. We did not know what per cent or to what extent employment agents in general were dishonest or honest. Also, we overlooked the vital problem in the difficulties of the common laborer, and that was the commissary camp. You can have the best efforts you can get anywhere in your employment agency, and if you are disregarding the commissary camp you can not possibly get beneficial results.

Mr. LEISENBERG. Will you explain how it should be regarded?

Mr. LARSON. The commissary camp should be run for the benefit of the laborer and not for the benefit of the contractor or padrone.

Mr. LEISENBERG. Will you explain how it is run at times?

Mr. LARSON. Quite a number of contracting and engineering companies conduct their own camps. I believe that when they put in a bid on a job that they figure in that bid what percentage of profit they are going to make on their commissary.

Mr. LEISENBERG. Pardon me—that is to say, they make a profit not only directly on the labor of the men, but also on the feeding of the men.

Mr. LARSON. Yes. In instances where the commissary is not conducted by the contractor or the engineering company it is let out to a padrone, generally or invariably of the same nationality as the men required on the job. This man pays the contractor a certain fee. That is, he buys the concession of the commissary privileges.

Mr. LEISENBERG. Have you any idea what they pay for that?

Mr. LARSON. No; I have not.

Mr. LEISENBERG. But it is considered valuable?

Mr. LARSON. It is valuable. That is one thing that should be eliminated from the—

Mr. LEISENBERG (interrupting). Let me get your idea on that. You think it should be prohibited to a company to charge people for board when they directly employ them in their own works.

Mr. LARSON. I feel that it should; I may be wrong.

Mr. LEISENBERG. Would you say that the fact that you can not get enough men—Mr. Carpenter this morning made the statement that they can not get enough men to do this kind of work. Would you consider that the practice of the commissary department had something to do with the unwillingness of the men to go to work?

Mr. LARSON. It certainly has.

Mr. LEISENBERG. You think that is one explanation of the inability of the National Employment Exchange to get men to go to these places?

Mr. LARSON. Not only with the National, but with all of them.

Mr. LEISENBERG. Will you give us some of your other reasons for the National Employment Exchange not accomplishing what it started out to accomplish?

Mr. LARSON. Well, one reason is that the common laborer, with exceptions, is sent to the job by an agent of his own nationality. This agent does little favors—at least, alleged favors—for the man, such as receiving his mail and forwarding it to them, etc.; and some of them have a little banking business on the side; save his money for him, or otherwise.

Mr. LEISENBERG. And the employment exchange did not do that?

Mr. LARSON. Did not do that.

Mr. LEISENBERG. Will you mention some other reason?

Mr. LARSON. Directly with the National?

Mr. LEISENBERG. Yes. But what we are trying to get at is whether the experiment of the National Employment Exchange failed and what the reasons for the failure are, so that a similar experiment would not be started making the same mistakes.

Mr. LARSON. Well, the only explanation I can give you, Mr. Leisenberg, is that the National Employment Exchange—

Mr. LEISENBERG (interrupting). Would you say that it would be advisable for another experiment similar to the National Employment Exchange—I mean a philanthropic agency of that kind, designed to pay for itself but not to make big profits, but to pay for itself as it goes along.

Mr. LARSON. No; I would not.

Mr. LEISENBERG. You would say that it is not practicable to do that?

Mr. LARSON. I would not say it is.

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Mr. LEISENBERG. Would you say it was necessary to have some kind of employment office?

Mr. LARSON. Yes; it is.

Mr. LEISENBERG. And what kind of employment office, then, do you think, is necessary, as a result of your experiences?

Mr. LARSON. If you could eliminate all—or at least largely eliminate—the more or less unscrupulous private agents and establish State and national agencies as substitutes; then get your conditions such that you will get the men, that the men will apply to you.

Mr. LEISENBERG. Why couldn't the National Employment Exchange do that? Do you think the fee interfered with it?

Mr. LARSON. No; not particularly.

Mr. LEISENBERG. What was it?

Mr. LARSON. Nationally more than anything else.

Mr. LEISENBERG. That is, the foreigners would come to the National Employment Exchange?

Mr. LARSON. I think so, largely.

Mr. LEISENBERG. Would not that be possible by interpreters to get them?

Mr. LARSON. Interpreters were employed.

Mr. LEISENBERG. And they could not get them? Well, how could a State or National agency get them to come?

Mr. LARSON. If the agent of the same nationality as the applicant was out of the business the applicant would necessarily follow the source of demand.

Mr. LEISENBERG. Would you advise putting the private agents out of business?

Mr. LARSON. I would, for common labor; yes, sir.

Mr. LEISENBERG. For common labor, absolutely. You think the private employment agents do not perform service to the community for common laborers?

Mr. LARSON. I do not—I do not believe they perform a service that is in sufficient demand. That is the nature of the employment business.

Mr. LEISENBERG. You stated before in your own way that it could not pay for itself honestly. Would you give that as the reason for abolishing it?

Mr. LARSON. Necessarily, yes. I do not want you to misunderstand my term "honestly" in this case. Though the conduct is not absolutely honest, it is probably a minor disregard of ethics.

Mr. LEISENBERG. Did you get a copy of the plan; the proposed plan?

Mr. LARSON. Yes.

Mr. LEISENBERG. Have you any criticisms or suggestions to make on that?

Mr. LARSON. On page 8, paragraph 17, that is part two, I believe, dividing fees prohibited. You speak there of the prohibiting of the agent from dividing fees with the foremen and superintendents. I do not believe that this practice is very general. I want to call your attention to the recent more or less unpleasant exposures of the State road get-rich-quick practices of New York State, where the political henchman was exacting a percentage or fee from the laborer. I think probably that is more important. If the contractor's bond on public work was, or automatically became, involved when such practices were discovered on the job, it is quite probable that would eliminate the practice.

Mr. LEISENBERG. Let us get your idea. That paragraph proposes to prohibit any employer from charging his employee for work, and also to prohibit the private employment agent from paying the employer simply to get the men there—

Mr. LARSON. Yes; I know.

Mr. LEISENBERG. And you would add to that a provision to prohibit the political officeholder from getting any pay, either in the fee or any contribution from the contractor. You would add that?

Mr. LARSON. Yes, sir.

Mr. LEISENBERG. Have you got any other suggestions?

Mr. LARSON. I want to say something about the homeless man—that is, the unemployable that we hear something about.

Mr. LEISENBERG. Yes; we would like to hear about that?

Mr. LARSON. Estimate was made last winter, I believe there were two estimates, that there were 300,000 unemployed in New York City; another estimate was made that there were 300,000 in the United States. I don't know which one was correct. I doubt one or both. The conditions leading up to the homeless, unemployed rests largely on the environment to which he is introduced in the commissary camp. This is not original, but I want it on

the record, because I think it is important. Take, for instance, a young American who is brought up on a farm; he comes to the city. He has only a few dollars, and he may go to a cheap lodging house, and pay 15 or 20 cents for two or three nights, until he gets a job, and goes out on contract work. He lives in a commissary, that, originally, the contractor may have intended to be sanitary, but when you get an aggregation of men in a commissary it is quite difficult to keep it in a sanitary condition unless it is strictly supervised.

Mr. LEISENBERG. Do you state from actual experience with people in camps?

Mr. LARSON. Yes, sir.

Mr. LEISENBERG. State how you got your experience.

Mr. LARSON. I got my experience from taking them to jobs from New York City from 1909 off and on until 1912. When a man lives in an insanitary camp, usually he works there four to six months, and he lives in filthy conditions. At one end of the bar he gets his sardines and his loaf of bread and comes back to the middle of the bar and gets his bottle of beer, and that is his dinner. Then he comes back to New York, and the cheap lodging house on the Bowery is not nearly as repulsive to him as it was the first time he came to the city. He will stay around a lodging house for a few days, each morning going out and looking for work. When he has been there a week, probably, it suddenly dawns upon him he is about the only man in the lodging house looking for work, and he wants to know the reason, and then he is instructed by acquaintances he has made how to live in New York City without working. You heard something last winter about men being sent out on snow from the municipal lodging house, and that they would not work. I refuse to believe that those men would not work because they were underfed. Eighty per cent of the men going to the municipal lodging house are physically capable of doing ordinary manual labor.

Mr. LEISENBERG. Will you state just what experience you had in the municipal lodging house that caused you to speak of this particular point?

Mr. LARSON. I was social secretary there for two years.

Mr. LEISENBERG. And that—

Mr. LARSON (interrupting). As such I tried to get work for the men and help runaway boys to get back home, and so on. Sixty-five per cent of the best men applying at the municipal lodging house—I say the best men, because I did not have time to interview any but the men that I felt I had the biggest chance of doing something for—consequently I picked out the best men I saw in line; I asked them to come to my desk. Sixty-five per cent of the best men applying at the municipal lodging house were there through intemperance. Don't get that confused with the statement that 80 per cent of the men are capable of doing physical labor. The fact that a man is down and out through drink does not necessarily mean that he has been able to earn enough money to drink enough whisky to break his physical constitution. But it does mean that through his environment at one point or another he has reached a point or he has reached a stage of disregard of moral respect—

Mr. LEISENBERG. Would you put the responsibility for that lapse on the part of that—that lack of self-respect on the part of the man—on the conditions in the camps—the commissary conditions, and so on?

Mr. LARSON. Starting with the labor camp and graduating in cheap city lodging houses.

Mr. LEISENBERG. You think that those conditions manufacture these men who are unwilling to work?

Mr. LARSON. I certainly do.

Mr. LEISENBERG. Have you thought of any remedies for that particular evil?

Mr. LARSON. The only effective remedy I have been able to evolve is a universal identification card, which in a country of our alleged free institutions would probably be unconstitutional.

Mr. LEISENBERG. Did you hear of the work book that the Lake Carriers' Association have, as testified to this morning?

Mr. LARSON. I know of the book. My idea—

Commissioner O'CONNELL. What would the card indicate?

Mr. LARSON. The card would only substitute the book or the card would be in book form. The idea of the card is that a man is given a card with his name and age, etc. He goes to work for a man. Supposing we had a national employment exchange system. A man, when he was sent out on his first job, would be given a book. The book would state for whom he was going to work, and when he got the job he would turn his book in at the office, and when he was discharged or quit the employer would enter the data when he left, with the nature of the work, the wages paid, and a word or two as to his efficiency.

By doing that you are giving a man a record to hold up. In other words, you are giving him something to live up to. There isn't a seaman anywhere who is not proud of his book, if it is in good shape.

Mr. LEISENSON. Do you consider this sort of card or book, then, as a reference for the character of the man?

Mr. LARSON. Yes, sir.

Mr. LEISENSON. Do you consider the possibility of that book being abused in such a way—that is, the employer might have a grudge against a man and, by not specifying good service, could prevent that man from ever obtaining employment?

Mr. LARSON. There are few employers that would take a grudge out on a man for any personal dislike.

Mr. LEISENSON. Might it not be used in times of labor disputes, Mr. Larson? That is, might it not be used as a blacklisting scheme at times to eliminate what the employer considers labor agitators?

Mr. LARSON. I have not studied the question. I don't believe that if such a book were introduced that it would not be possible to evolve methods of obviating any irregularities of that kind.

Mr. LEISENSON. Wouldn't it be possible, if you have a system of national employment exchanges, for the employment office to keep the records of every man that it got work for, similar to the National Metal Trades Association business or the Lake Carriers, to keep it in the office, and without having it beyond public control, in which labor and capital has an equal share in the management; that would avoid the difficulty of one side or the other using this card or record of the man in his struggle for control of industry?

Mr. LARSON. It would; but you will lose 50 per cent of the effectiveness of the card.

Mr. LEISENSON. You think the card itself is valuable in keeping the man up to standard?

Mr. LARSON. I think so. It is valuable for this reason—I am speaking now from the police end: Supposing a man goes to the municipal lodging house more than three nights in one month, which is alleged to be the limit of his privilege, and he is taken to court and he shows the magistrate his book. The book shows that he has been industrious; he has worked conscientiously and faithfully; the magistrate is not going to send him to the island or farm colony. Supposing the man has no book; supposing he tries to make out that he is an industrious man without the book; there is, nevertheless, a suspicion against him.

Mr. LEISENSON. At the present time is a man bagged without any reason in that way, from your knowledge?

Mr. LARSON. No; I don't believe there is anyone being sent to the workhouse that should not be there. But if we had a book system of this kind we could clear away or largely clear our cheap lodging houses of the element in them, because of the fact that they would not have the book; they would not have the records; they would not have anything to show who they are or what they have been doing.

Mr. LEISENSON. You think it would simplify the problem of vagrancy and put them in a class to be treated as vagrants and not unemployed?

Mr. LARSON. Yes; and it would be an incentive to themselves to get out of the class. There isn't anything in the world that is as easy to do as to drift, and when they get into the drifting environment, when these men get in with the men that have drifted, or panhandle on the street for a night's lodging, or a cup of tea, alleged, they start going down, and it is only a matter of time until they are practically irreclaimable.

Mr. LEISENSON. You stated that the main reason was the lodging houses and camp conditions that made these men into casual and unwilling workers. Do you think the ease with which the men can ride on the freight cars has anything to do with it?

Mr. LARSON. Well, it has something, but it is a matter of bad judgment that is hard to control. The greatest longing for anything that I ever had in my life was when I was following a plow and seeing a freight train go toward the city.

Mr. LEISENSON. Would you think that it would help the situation any if there were cheap methods of transportation by which a man could go in the regular form—say, work trains attached to freight trains, rather than having to steal a ride, as it is at the present time?

Mr. LARSON. I am doubtful; I believe that your solution, the solution of beating passage on a freight is better solved by intensive education at railroad division points and terminals in rural districts.

Mr. LEISEN. Well, it is necessary for people to travel, especially these men of this class, to travel from one part of the country to another to obtain work at times, isn't it?

Mr. LARSON. No.

Mr. LEISEN. You think not?

Mr. LARSON. No.

Mr. LEISEN. You think it is not necessary for great numbers to travel to the woods and the harvest fields in order to get work at certain seasons of the year?

Mr. LARSON. Yes; it is.

Mr. LEISEN. Don't you think the fact that they have no particular means, no direct means of getting there and that they have to beat their way, that that encourages tramping?

Mr. LARSON. Yes; I think it does.

Mr. LEISEN. And don't you think, then, an effective way of stopping that encouragement would be to have them directed to a specific job and have a low rate of transportation for them?

Mr. LARSON. Certainly. I wish to correct that, Mr. Leisen. In my first comment, or in my original comment, I have in mind the country boy that takes his first ride to the city, or the boy. There is no question but if you can arrange a transportation system that would carry men down from Oklahoma through Nebraska and the Dakotas and through the wheat fields and through the harvests, that you are going to do a great favor to the men as well as to the farmers.

Commissioner GARRETSON. Mr. Larson, has your experience ever brought you in sharp contact with the black list?

Mr. LARSON. No; it has not.

Commissioner GARRETSON. Then you haven't any practical knowledge of what a devilish agency this card could be if applied as a black list? Have you ever taken notice of the fact that every one of the States has a law against black-listing?

Mr. LARSON. Yes.

Commissioner GARRETSON. Well, don't the existence—wouldn't the existence of that law in all of the States be accepted as reasonable evidence of the universality of the practice at some period?

Mr. LARSON. Undoubtedly.

Commissioner GARRETSON. And has it occurred to you that if an identification card of this character was utilized in that direction how many men it would put on the hog, or make bums of them?

Mr. LARSON. There is a good deal of talk of men being driven to vagrancy. We get in semi-sociological and fiction stories characters of men so being driven. Personally, I am inclined to doubt that source of vagrancy. I have sufficient confidence in humanity or the employer to doubt that he would, at the present time, to any extent, resort to a malpractice with the work card.

Commissioner GARRETSON. Well, I will admit that I envy you your confidence. I have dealt with employers for 30 years.

Mr. LARSON. I have employed a few men, not many. The Pennsylvania Dutch—there was a gang of Pennsylvania Dutch who were the best men I ever had work for me. I have had Italians—

Commissioner GARRETSON (interrupting). I belong to them.

Mr. LARSON. Good. And I may be wrong, but I hope the employer is not taking undue advantage of an honorable record card.

Commissioner GARRETSON. If I were to say to you as one of these Pennsylvania Dutch, that I have known a hundred instances where a man was driven from a pursuit that it took him years to learn by a cunningly concealed black-list system, would you be disposed to recognize the fact of such a system existing?

Mr. LARSON. I certainly would.

Commissioner GARRETSON. And all men in one pursuit. Well, with this system made universal—those men, or most of them, took refuge in other pursuits; they were driven out of one they had learned as a life calling, but they, in most instances, embarked in some other pursuit, but with a universal card, can you understand that it would close the door to the other pursuits, and in most of the instances the only offense that man was guilty of was trying to better wage or condition? I am giving it a charitable name.

Mr. LARSON. I understand.

Commissioner GARRETSON. Now, can you recognize that, assuming that there is such agencies existing, what a deadly weapon this card would be made? You heard—were you here this morning?

Mr. LARSON. No.

Commissioner GARRETSON. It was testified in two instances here that in an elaborate system of records kept, one of them, this book that was referred to, the seaman's books that agitation for labor organizations—that is, betterment of wage and condition—constituted one of the grounds for entry and exchange of reports. Assuming that to be correct, could this card or book be made a deadly agency for making tramps, instead of redeeming them?

Mr. LARSON. I should think the effort could be made; I still doubt that it would be successful.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Thank you, Mr. Larson.

TESTIMONY OF MR. OTTO T. BANNARD.

Mr. LEISERSON. Will you state your full name and connection?

Mr. BANNARD. Otto T. Bannard.

Mr. LEISERSON. You are connected with the National Employment Exchange?

Mr. BANNARD. I am the president of it since the beginning.

Mr. LEISERSON. What we should like to get from you, Mr. Bannard, primarily, is the experience of the National Employment Exchange; whether you think it is successful or not and what the reasons are?

Mr. BANNARD. I have been listening with much interest to former employees as to why it failed, and I am very glad to have an opportunity to state the experience. It was organized about five years ago as the result of an investigation made by the Sage Foundation, which resulted in a report. It seemed as though there was a field of usefulness not occupied as a medium between employers and employees, for the sake of obtaining employment, and that the existing agencies were more or less irregular, and that an agency which was not entirely bent on profit might find its field. With that end, we acquired some working capital, knowing that it was not likely to be a profitable enterprise, and opened up a manual labor office, down at Castle Garden. We placed more men the first year than we ever have since, and that was because of market conditions. Where there is very little employment we can not make it or find it; and when there is a great demand for men, they don't need us, apparently—the capable ones—they find it themselves. Nevertheless, we did our share of placing them. I think, confining it to these contract laborers—manual laborers—we placed, I should say, up to last October, about 13,000. It is not much, but I don't think—

Mr. LEISERSON (interrupting). In how many years?

Mr. BANNARD. That would be four years, a little over—four and one-half. No agency does a very large business, I apprehend—a private agency. One reason why we do not place more is that we are not national, as our name implies. We took that name, hoping that some day we might obtain a Federal license. We are confined to our own location. When the men go to Wilkes-Barre, and get through the job there, we can not move them to Scranton, outside of the State, and get any fee for it. We charge the \$1 and \$2 fees. We made up our mind not to go into commissary or hospitaling or housing or exchange, and for that reason we are deprived of the profits of the business. In many cases one is unable to collect the fee. You will deliver men to work, and the employer will subsequently report that they did not all remain, and you have to take their word for it unless you keep a man there, which is unprofitable.

Mr. LEISERSON. You think the ordinary manual-labor employment agency makes a good deal of its profit from the commissary department which enables it to be successful?

Mr. BANNARD. Commissary, housing, hospitaling, and exchange, in some cases, like the Italians.

Mr. LEISERSON. Money exchange?

Mr. BANNARD. Yes.

Mr. LEISERSON. That is to say, these other sources of income enable it to exist as an employment agency also?

Mr. BANNARD. Yes.

Mr. LEISERSON. Otherwise a pure employment agency business, it might not be able to exist?

Mr. BANNARD. Yes. And then they will send a gang to one section of a railroad, and when the necessities of the railroad require the men to work on the next section, they charge them another fee, and move them along.

Mr. LEISENBERG. Can you tell us why your experiment did not become national, why you did not—

Mr. BANNARD. We had no Federal license. We are confined to the location in which we have a license by our State laws.

Mr. LEISENBERG. Well, you sent people from this State into other States; wouldn't it be possible for you to take a license in the State of Illinois?

Mr. BANNARD. We could obtain State licenses.

Mr. LEISENBERG. Just why didn't you do that?

Mr. BANNARD. On account of the expense.

Mr. LEISENBERG. You did not find it a paying proposition?

Mr. BANNARD. No.

Mr. LEISENBERG. As a result of that experiment, would you say that it is impossible for any ideas such as you had, without putting it into a more or less philanthropic organization, to succeed?

Mr. BANNARD. Yes. There are several branches of this subject. We have more than one office here. We have a mercantile bureau.

Mr. LEISENBERG. Clerical, bookkeeping?

Mr. BANNARD. Last month we placed 200 people there, all the way from an office boy to a technical engineer, doing useful work. In our labor office, we placed what I call the retail business, 100 singles—stationary engineers, gardeners, watchmen, janitors, all kinds of men, one at a time, who could not very easily find these positions if it were not for us. The difficulty with the gang-labor business, which is what I call wholesale business, is that the market controls it so largely. A really national agency could accomplish a good deal more than we could, but I think that it is very clear that the service would be valuable as a clearing house and as a distributor of information rather than as an actual operator, because in the office where you operated men, you would be making contracts, you would require interpreters for different nationalities, and you would have to ship a man on the train he would want, and advance fees from time to time, which you would find quite an undertaking if you attempted to cover many portions of the country with your operating offices.

Mr. LEISENBERG. Would it be possible to distribute reliable information without going into these other phases of the business—making contracts and employing interpreters, etc.?

Mr. BANNARD. I think so; but you have had an office on Bowling Green for some time where you did something of that kind under Mr. Green.

Mr. LEISENBERG. Yes; the Federal Government.

Mr. BANNARD. Yes.

Mr. LEISENBERG. Do you say that it is possible for this to be done successfully?

Mr. BANNARD. I think so. I should think your clearing-house idea is a good one.

Mr. LEISENBERG. Do you think it would be possible, under a clearing house, to give merely general information that men are wanted at a particular place, and distribute that through the clearing houses? Have you ever run across any dangers of that? That is, where an employer does not give a definite order for 100 men, but some one says that 100 men are wanted at this particular place, then when you come to verify that particular statement you find that the men are not wanted. Has that happened within your experience?

Mr. BANNARD. Very infrequently they have applied for men in several directions, and by the time you get your men around they have already filled it.

Mr. LEISENBERG. So that if you had a system of giving information, there would be great danger of duplicating the information so that more men would be sent to a place than were actually needed; and further, if you did not have this other machinery for making contracts and interpreting, isn't it possible that hundreds of men might flock to a place where the demand was for 10, each one thinking that nobody else was going?

Mr. BANNARD. Well, in dull times there would be a race for it, unquestionably.

Mr. LEISENBERG. And that is a distinct danger, unless you have a regular employment business in connection with it.

Mr. BANNARD. Yes. We tried to start a clearing house in this city, but we found the other agencies were jealous of us, and in order to be successful it should be an outside undertaking.

Mr. LEISENBERG. You would think the Government was the party to do that?

Mr. BANNARD. I should say the Government or State; preferably the Government.

Mr. LEISENSON. That is, the Federal Government?

Mr. BANNARD. I should think so, in a large way. There are two branches of this subject—the wholesale and the retail business. Most of the retail business requires references and investigations, and that is expensive and requires the delivery of good goods to secure the order.

Mr. LEISENSON. You think it is not possible or advisable for the Government to go into this retail business, as you call it?

Mr. BANNARD. I should think that was very doubtful wisdom. We have to look up about five references for every employee, and it has to be done carefully, and somewhat expensive on the whole. And when you send that employee, the place may be filled before he gets there.

Mr. LEISENSON. You don't think it would be a legitimate expense for the Government to go to?

Mr. BANNARD. It is legitimate; I don't question that; but I fear that to go down into the fine points of the retail branch is a matter for you gentlemen to consider.

Mr. LEISENSON. But the wholesale branch, you think, ought to be undertaken by the Federal Government?

Mr. BANNARD. I think you might do very useful things in connection with it. Mr. LEISENSON. Do you contemplate giving up your wholesale branch?

Mr. BANNARD. Not really; but because at our labor office, as I say, we are placing one hundred or more men one at a time, I thought by reducing the expense, and increasing the number that we might be able to make it self-supporting. I don't think we shall bend any energy toward increasing the gang labor, because, as I say, we can not find work when there isn't any, and when there is plenty of work they seem to find it themselves, and it is only in the intermediate time when it is well balanced that we seem to have any usefulness, any great usefulness.

Mr. LEISENSON. Your retail branch—do you consider that successful? I mean, from the standpoint of what it costs you to run it, is it a paying proposition?

Mr. BANNARD. Of course, when we started it was all outlay, and we made the mistake of general registers, which might interest you. We assumed that every man ought to be registered, and it took a great force. The office was open until 9, 10, and 11 o'clock at night, registering men. They all heard of the new office and swamped it. As the result of our experience, we only register about 60 per cent of the men now, men and women who apply to us. Where a man is palpably unfit for the occupation he seeks, it seems like a waste of clerk hire and record to register him. Many of those whom we registered we were utterly unable to find again when we would send them a postal card telling them we had found a place for them, and we would have no reply.

Mr. LEISENSON. Did you get a copy of our proposed plan?

Mr. BANNARD. Yes.

Mr. LEISENSON. Have you any suggestion to make in regard to that?

Mr. BANNARD. I am speaking of the subject of registers with that in view, compulsory registration of every man who comes to our office to find work.

Mr. LEISENSON. Would that be inadvisable?

Mr. BANNARD. It should be safeguarded in some way. We found that we were wasting money and wasting time registering everyone who came. A man who is intoxicated and asks to be a technical engineer at \$3,000 a year seems to us to be wasting his time and ours. He may be a good engineer, but we could not recommend him.

Mr. LEISENSON. Have you any further suggestions in regard to that plan?

Mr. BANNARD. It might be possible to make different licenses and different bonds for different classes of employment offices. You must remember there are domestic servants, which we have not spoken of here to-day, so far as I know.

Mr. LEISENSON. Would you classify them?

Mr. BANNARD. Factory hands. We have had nothing to do with either branch.

Mr. LEISENSON. Any other suggestions?

Mr. BANNARD. Wholesale and retail.

Mr. LEISENSON. Let me ask you one final question. Do you think that the State or Federal Government could succeed better, assuming that it was advisable to try the experiment of the National Employment Exchange, could succeed better than you did?

Mr. BANNARD. The Federal Government?

Mr. LEISENSON. Yes.

Mr. BANNARD. I don't think they could on the retail business. Our retail business is self-supporting, I am happy to announce to-day; I don't know whether it will remain so. It is the first time it has been so.

Mr. LEISENBERG. But on the wholesale business, Mr. Bannard?

Mr. BANNARD. I think the wholesale business—of course, they could operate on a much larger and more useful scale than we have ever done. We just tried to firmly establish one local office; that is all we have undertaken.

Mr. LEISENBERG. That is all?

Mr. BANNARD. Yes.

Chairman WALSH. That is all for you, Mr. Bannard. Thank you.

TESTIMONY OF MR. WALTER LINCOLN SEARS.

Mr. LEISENBERG. Will you please state your full name and official connection?

Mr. SEARS. Walter Lincoln Sears, superintendent of the State free employment office at Boston, Mass.

Mr. LEISENBERG. Will you tell us just a little bit about the Massachusetts free employment offices? When they were started and what their purpose is?

Mr. SEARS. Twenty years ago this month I became interested in free employment offices and by petition and agitation before the Massachusetts General Court. The first seven years I was alone, and we weren't successful, but subsequently, in 1906, the law was passed, and on December 3 of that year the Boston office was opened.

Chairman WALSH. What year was that?

Mr. SEARS. December 3, 1906. In September, 1907, our Springfield office was opened; in October, 1907, the Fall River office; September 15, last year, our Worcester office. We have four, approximately 50 miles apart, taking in the geographical railroad and industrial centers of the State. When we opened the Boston office we hadn't any system or anything to copy from. We had to devise our own system and do it in our own way. The Massachusetts offices, as I might say, are under civil service, and every appointee is appointed from the regular classified civil-service list, including the superintendent. But I don't know that you want to go into that question, particularly. We realized in the beginning that we have had many prejudices, possibly, to live down. For example, one element said that it was a socialistic proposition; another element of my labor friends said it would be a strike-breaking establishment; another element said, "Well, it is a charity, and no self-respecting person will patronize a public office, because it is a charity." And different arguments were made. Those are the principal ones. Realizing all of that in the beginning, we aimed at the employer. Every employment office necessarily has, as its basis, the confidence of the employer. Without him no one could succeed in getting positions, and to get him and retain him, he must get the service. That service must be the best that can be obtained anywhere, and if you give the service at the Government office you will get the business. That is all there is to that. Now, so far as it being a strike-breaking establishment is concerned—

Chairman WALSH. Being what?

Mr. SEARS. So far as its being a strike-breaking establishment is concerned, our position is one of absolute neutrality. If we learn that there is a strike on anywhere, we make a note of that fact on the card and advise the applicant for the position verbally; and then if he decides to accept—and he very seldom does—we stamp on that card that there is a strike on at this establishment, so that he hears it verbally and in cold type.

Mr. LEISENBERG. Are your unions satisfied with that particular arrangement?

Mr. SEARS. My assistant is practically secretary of the Boston Central Labor Union. Yes. Our methods of conducting the affairs in the case of strikes and lockouts has stood the test now for seven years and a half. No complaints have been made by employers, employees, organized labor, or anybody.

Mr. LEISENBERG. Can you give us an idea of the total business you do?

Mr. SEARS. We have now more than 27,000 individual employers, located, I am free to say, all over the world—all over the United States and Canada.

Commissioner O'CONNELL. To keep the record straight—has the establishment of this board eliminated private employment agencies to any important extent? Have you succeeded the private agencies?

Mr. SEARS. I can not say as to that. There were 130 agencies when we started. There are now less than 100. But conditions differ. We have two classes of licenses in Boston. There is the general or State law, but our licenses are regulated locally by the municipality. In Boston the city makes

its own rules and regulations, and that may be taken up, as I understand, by somebody else. But there are two classes of licenses. The first pays a fee of \$50 and the second a fee of \$25. And the fees charged are for the weeks' employment or a percentage, according to the class; and when you speak of the number of licenses, one agency may hold a first and second class license. I think there are not many. But I will say that there are at least 25 or more less agencies in Boston to-day than when we started in business. The better class of agencies have remained. The more unscrupulous ones have gone out of business.

Mr. LEISENSON. You started to say that you had 27,000 employers—

Mr. SEARS. As patrons representing every kind of business and industry. We placed last year, ending November 13, 1913, 21,000 positions—we filled 21,000 positions.

Mr. LEISENSON. You sent out or actually referred to employment how many?

Mr. SEARS. I could not remember that without looking at my report to the commission.

Mr. LEISENSON. But it runs several times the number—

Mr. SEARS (interrupting). I should say it was at least two to one.

Mr. LEISENSON. Twice the number actually furnished?

Mr. SEARS. Yes, sir; about two to one.

Mr. LEISENSON. Do you do more business than any other agency in the city of Boston?

Mr. SEARS. So far as I know; yes.

Mr. LEISENSON. You do the largest business of any agency in the city of Boston?

Mr. SEARS. Yes, sir; but I have no knowledge of the amount of business done by the largest private agency which is represented here, and their representative can tell you that. I haven't any figures. I don't know.

Mr. LEISENSON. You heard the statement made this morning that a public employment office could not place skilled help as well as an employers' office could.

Mr. SEARS. Well, that was probably said without knowledge.

Mr. LEISENSON. What is your experience?

Mr. SEARS. Sixty per cent or more—more than 60 per cent—and you will understand why that is when I say that more than 60 per cent of the persons we place require previous skill or training—must be experienced. If you wanted a dishwasher or a night watchman, or ordinary help, you can without very much difficulty get that kind; but if you want a fellow who can do something—not a fellow who can do anything—you've got to go and hunt for that fellow. That is why the agencies exist.

Mr. LEISENSON. How many people have you employed in your office?

Mr. SEARS. Eighteen on the pay roll.

Mr. LEISENSON. Can you tell about what proportion of those worked actually placing skilled help?

Mr. SEARS. I have a skilled male department in charge of a man and an assistant. I have a skilled female department in charge of a lady. That is all.

Mr. LEISENSON. Do they do more or less business, say, than the National Metal Trades Association?

Mr. SEARS. Oh, surely; oh, surely. We furnish help to the National Metal Trades Association in Boston and Providence.

Mr. LEISENSON. And you do more than they do in skilled help?

Mr. SEARS. Yes, sir.

Mr. LEISENSON. And so there is nothing in the nature of the public employment office that would prevent your doing that kind of work?

Mr. SEARS. No; for this reason. Mr. Joseph Holland, of 520 Butler's Exchange, Providence, came to my office four years ago with Mr. O'Hearn, who does the general hiring for the General Electric Co. at Lynn. They were compelled to secure more men at once, and we asked Mr. O'Hearn to give us a trial, which he did, and there has been no question, so far as he is concerned, since. Mr. Holland, whom he met many times, wanted to get some help, and he says, "Why don't you try the Boston office?" "Oh," he made an insinuating remark, "You couldn't get any decent help there." But he finally came up one afternoon about 3 o'clock, after telephoning that he was coming. I placed an ad in the paper, and there were several hundred machinists and assistants—some "near" and some real—but he was there interviewing them until a quarter of 5, his train time, and he pronounced himself as pleased with the office, and he wanted to know how we could get so many men; and Mr. D. F. S. Clark, of the

Boston branch of the Metal Trades was there with him, and they could not understand why we could get so many men when he said he was unable to. I says, "Don't you think it is possibly because of the feeling or suspicion that the Metal Trades is blacklisted?" and he said possibly that was so.

Mr. LEISENBERG. The working people have confidence in the public office—that it is impartially run—whereas if it is by the employers they are suspicious of whether it is run for blacklisting or not.

Mr. SEARS. Well, I spoke of the Metal Trades.

Commissioner O'CONNELL. Wouldn't that same suspicion carry out with the local private agency?

Mr. SEARS. I could not say as to that; maybe that it is not in the case of some of the better class of agents. We have some in Boston that are under a cloud and some are very good. In Boston the license board, or excise board, lives pretty well up to the law.

Mr. LEISENBERG. How about the statement that the employees of the State offices, not having a direct interest of a fee, will make no effort to push the work and to please the employer and to fit the man to the job the way the private agent does.

Mr. SEARS. I can not say as to that. I think you are dealing with the human family and with human nature. Some individuals are interested in their work and some are not. I don't think that particularly applies to your employees if they are under civil service and are appointed on the merit system.

Mr. LEISENBERG. You find your employees are as interested in the business as the ordinary private employment agent is.

Mr. SEARS. I do. I have the appointing of my assistants. Mr. Charles F. Gettamer, of the bureau of statistics, allows me to make all my appointments, and I am very careful in their selection.

Mr. LEISENBERG. And they are certified to you by—

Mr. SEARS (interrupting). By the civil service. Well, the names are certified, three for each one wanted, and I make my selection or call for a new list, giving the reasons why—the reasons for the three first certified not being satisfactory.

Mr. LEISENBERG. Is there any objection on the part of the worklag people to apply there because it is a charity, being free?

Mr. SEARS. Not a particle. I have had railroad auditors, I have had dentists, attorneys, cabinmen, civil engineers, and all those men apply there—a number of them. We are in touch with all the typewriting agencies, the Massachusetts Institute of Technology, Harvard College Placement Bureau, and other organizations that have the placement of people so that almost as quickly as the telephone can reach the individual or reach the office we are in touch with them all the time. We cooperate with all the organizations that are allied with them or nearly related to our work.

Mr. LEISENBERG. Will you explain just how you get orders for men? In the first place—that is, how you get your business.

Mr. SEARS. My contention has always been that if you make good and render the service, you can rest easy; you will get the business. We have no solicitors outside of the office and never had any. I do not believe in them. Not because I do not believe in it; I never advocated it and it has never been done. We make good. My instructions are to the clerks never to send a person to a place who they do not believe would meet the requirements of the employer. Better not send anybody. He can then only complain that he did not get anybody; but if he gets an undesirable person, that is a black eye and hurts. Of course we are particular in the first instance to get the fullest information as to the kind of service the employer demands, and then endeavor to meet his requirements.

Mr. LEISENBERG. You make detailed inquiries in regard to just what the hours are, and what wages are paid—

Mr. SEARS. The wages, the nationality, religion, telephone number, hours, tenure, conditions, and all that sort of thing.

Mr. LEISENBERG. And then from that you make an effort to pick the man to fit the job? That is, if you have one man unemployed a longer time than another, do you make any kind of preference?

Mr. SEARS. We can not do that. When we first opened, I aimed to give preference to those who had dependents upon them—married men—those who had others dependent upon them; but it did not work out in practice at all, for this reason, for instance, I have an opportunity for a machinist. Or I will give an illustration: I had an opportunity for a porter in a restaurant and a

friend of mine who had been hounding me, and making my life miserable for some time—it was some years ago—called on me, and I said, "Joe, I'll see what I can do for you." So an opportunity came up for a porter in this restaurant, and I had enough men for the place—six men—this man and five others, whom I notified for the following morning. And at noon I met this same individual in a lunch room, and he said, "I was just coming down to see you, as to whether you would advise me to go down and take that job." Now, here it was at the noon hour and he was just thinking it over. And in a day or two there was mail came back, "no address; moved." Waited another week or so, and a letter came from some place in New Hampshire, saying, "I got your letter, Mr. Sears. Do you think I had better come down and see the place? Is it open now?" Of course that is obviously wrong. It is too slow.

Employers haven't any sentiment—that is, most of them. There is mighty little sentiment in their make-up—that is, charity. It is business inside of the office. Outside he may be one of the most charitable persons in the world; but inside it is business, and you must make good. It has been done, as said this morning, or yesterday, that the employers will telephone several agencies, and place orders with several concerns, and maybe advertise in the newspaper, and maybe some of the men in his employ in the shop will realize that he wants somebody, and so you have several agencies endeavoring to fill that place, and the one that gets there first and makes good is the fellow that gets by. A public agency must be prompt and expeditious. They have not time, as experience shows. Our experience has shown that they haven't the time, unless it is a particularly highly skilled person whom the employer is looking for, to wait. But ordinary help, the employer wants quick service, and we want to get the man there first.

Mr. LEISERSON. And your men pick out the man then that fits the job, and make no discrimination for any reason whatever—that is, as to being married, or a resident of the city, or anything of that kind?

Mr. SEARS. Why, we haven't the time for that.

Mr. LEISERSON. You heard the statement here that the employment office is not of much help in the winter to people because there is not enough work. What have you to say about that?

Mr. SEARS. Well, along that line, of course it is obvious to you and to the commission, or to any student of the problem, that if you have got in a given area, we will say a million hours to turn out the product of any given area, and you've got enough help there for perhaps 100,000 more hours, you can not take care of all the people. Obviously you can not do it. And that is true in the winterline. September is the busy time in the fall; April and May in the spring; and in between you have these spaces of dullness. And then there are the seasonal occupations, the garment workers, the longshoremen, and other trades of course are affected. Our climate, to some extent, affects the building and structural lines.

Mr. LEISERSON. Without employment offices, would many people get out of work during the slack seasons that now you actually do get work for?

Mr. SEARS. Why I think they would; yes.

Mr. LEISERSON. You consider that, besides bringing the man to the job during the busy season, you also do a work getting people work during the slack season that would otherwise miss that work?

Mr. SEARS. I think we shorten the time; I think we aim to shorten the time between the time when the person first becomes unemployed and the time he gets a position.

Mr. LEISERSON. That is the main service that an employment office accomplishes.

Mr. SEARS. Yes; instead of the man or the woman or the individual going around from place to place, blindly looking for work, it is easier for them to get it through an employment office. And I have always been of the opinion that if the employers can centralize the demand for help at one clearing house or central place, it certainly has an advantage over scattered or divided offices, and much better results can be obtained from that. For example, if an employer has to go to one place for firemen and another place for a teamster and another place for a stenographer, and so on, it is much less advantageous than where he can say to a clerk, "Go to So-and-so, employment office," or whatever may be the central office, and you can get anything you want there, from a sandwich man that takes the signs on the street, and the women that act as collectors for the Salvation Army or the Volunteers of America, or the men that

act as Santa Claus at Christmas, or the lawyer, or the dentist, or the railroad accountant, or whatever it may be. We have them all, or if we haven't them on the list we know where to get them.

Mr. LEISENBERG. The statement was made this morning that the general agency run by the Government could not be successful, because it could not take care of all classes of work. Will you describe how your office is subdivided into departments to take care of that?

Mr. SEARS. Why, it is simply placing in one building the different kinds of offices that have been referred to.

Mr. LEISENBERG. How many departments have you?

Mr. SEARS. We have five departments. We are going to have 2,000 feet more space in July, and then I will arrange to have nine departments.

Mr. LEISENBERG. What are your departments?

Mr. SEARS. Three female and two male departments for skilled labor, and all minors under 21 years of age are under the charge of a vocational counselor, vocational guide, a Harvard man; and then I have a department for handling help—but not sending people out—for handling handicapped persons sent in by public benefactors. That includes the charities and churches, and all kinds of handicapped people. The man in that department looks after those cases especially.

Mr. LEISENBERG. What other departments are you going to put in?

Mr. SEARS. Going to put in a mercantile department to handle mercantile help, and divide my skilled department into two, placing all the metal trades and engineers and firemen in that one department, and then have another department for the building trades, and the printing trades, and the boots and shoes, and other small trades.

Mr. LEISENBERG. You do mainly a wholesale business or what Mr. Bannard called a retail business?

Mr. SEARS. Well, in placing men in gangs, wholesale, we do not—not that large wholesale construction-gang business.

Mr. LEISENBERG. Practically all yours is what is called the retail business. And what is the total cost for your Boston office?

Mr. SEARS. I would have to look at the book and see.

Mr. LEISENBERG. You haven't got it with you?

Mr. SEARS. Now, the per capita, which is a very unfair proposition for the reason that in some States the city or town would furnish the offices free, whereas we have to pay for it.

Mr. LEISENBERG. Aside from the comparisons with others, we would like to know your total—

Mr. SEARS (interrupting). No; I haven't got the report here.

Mr. LEISENBERG. Is it about \$21,000—

Mr. SEARS (interrupting). Yes; about 86 cents per capita, I think.

Mr. LEISENBERG. It costs you about 86 cents per job?

Mr. SEARS. Eighty-six cents per capita per job. That includes absolutely every expense—all the printing, rent, all the janitors' salaries, and every expense—nothing is omitted from that at all.

Mr. LEISENBERG. And so far as you know the people of your State, the State of Massachusetts, are in favor of spending that amount of money in order to get the people and the jobs together?

Mr. SEARS. We get all the money we ask for; whatever we ask the legislature for, we get it.

Mr. LEISENBERG. How have you avoided politics in your office?

Mr. SEARS. Why, it has not been brought in.

Mr. LEISENBERG. A charge was made that in two ways politics might creep in: First, the contractor or employer that was in touch with the political party in power would be favored as against the other; and, second, the people of the political party in power would get jobs whereas the others would not.

Mr. SEARS. So far as the male clerks in the office are concerned, I am personally a Republican, and my six male clerks are Democrats—every one of them.

Mr. LEISENBERG. You think the civil service requirements have eliminated all possibility of politics?

Mr. SEARS. I take the clerks on their merits. It is to my interest to do that. I want the bureau to succeed. I take them on their merits, irrespective of their politics. In regard to politics in the office, of course if they suspicion one minute that we were playing politics, and that men were asked what their

politics were when applying for positions, the whole structure would fall. It would not last a minute. I know that.

Mr. LEISENSON. Did you get a copy of the commission's report?

Mr. SEARS. I did.

Mr. LEISENSON. Will you criticize that or make any suggestions that you have?

Mr. SEARS. In anything that we do toward establishing a national labor exchange it should be kept—the machinery part of it—as simple as possible to avoid too much system; too much machinery. You must move quickly. In handling a labor question you know that, and the commission know that, that you must move quickly, and if you get too much machinery to get there and get the individual in touch with the job you are failing in what you started out for; and if we have that in mind in the beginning I think it would help a great deal. I don't believe in an advisory council. It may be advisable so far as selecting the help for the office is concerned. That has some merits. But the advisory council to advise with the superintendent of the office—I do not believe in it. Appoint an official and have a direct, central, responsible head, and put it up to him. If the office is not a success and goes wrong he is to blame, and he can not shove that off onto anybody else's shoulders. I believe in the centralization of responsibility, absolutely.

Mr. LEISENSON. How about maintaining impartiality in labor disputes?

Mr. SEARS. We have no trouble of that sort, as I explained a while ago.

Mr. LEISENSON. You have a member of the labor organization in your office—

Mr. SEARS (interrupting). Yes, sir.

Mr. LEISENSON. Was that accidental or how?

Mr. SEARS. No; the chief of the bureau appointed him for that purpose, believing that organized labor should have representation there. I approve of that, and I think that principle should be carried out in the national exchange.

Chairman WALSH. Did your civil-service law permit that action to be taken?

Mr. SEARS. No.

Chairman WALSH. Or allow for an exemption of that sort?

Mr. SEARS. Why, he happened to be on the list; that is all. He was among the—

Mr. LEISENSON. Then, don't you accomplish, by having that labor man in the office, what the council would—

Mr. SEARS (interrupting). I know what you are driving at. Prove your case. The labor man in there satisfied the members of organized labor. I have found a great deal of trouble and labor, due to misunderstanding—due to a refusal on the part of the employer often to confer or open up the books and say, "There! There is the story. We can not pay any more wages than that." On the other hand, he keeps the books closed, and refuses to disclose anything, and the employee is working in the dark and in mystery and want of confidence. And I believe if the employer would place more confidence in the employee, and would do the things which would win his confidence, less trouble would prevail—obviously.

Mr. LEISENSON. Then this advisory council, by bringing this business open to both employers and workmen, would not that tend to avoid any suspicion of strike breaking or blacklisting that is ordinarily the case around such offices?

Mr. SEARS. I get your point. We accomplish that now without any advisory council. Instead of having a number of theorists—and there are very many of them in the community—telling how to run the office, we listen to what they have to say and use our own judgment.

Mr. LEISENSON. Is it your idea that an advisory council would be any more than an advisory body?

Mr. SEARS. I am afraid they would want to run the office after a while.

Mr. LEISENSON. Do you know of the advisory councils in European countries, attached—

Mr. SEARS (interrupting). I understand they are, but I do not believe we ought to go to Europe for our ideas. I believe we can get them right here in the United States.

Mr. LEISENSON. Do you know that they have an advisory council in the Wisconsin office?

Mr. SEARS. I understood they had. I don't know how it works out, I am sure.

Mr. LEISENSON. They are in an entirely advisory capacity, and it has worked out very satisfactorily, eliminating any suspicion on either side that the office is not working on the square.

Mr. SEARS. Well, we do not have any in Boston or in our offices, and I think if an investigator or an impartial person were to visit all the organizations, philanthropic, paternal, or whatever they might be, and labor organizations, they would find that all of them, or practically all of them, have no fault to find with our office. We cooperate with them.

Mr. LEISENSON. Going to the next point?

Mr. SEARS. Now, in regard to "Offices and branches," that is all right. "Civil-service appointments," that is all right. "Duties, powers, and authority of the bureau," that is all right.

I don't believe in the "Clearing houses." That is to say, the sectional clearing houses. It is too slow, and not responsive enough. A local office sends to the clearing house and the clearing house gets them together, sends them to Washington, and Washington gets them together and distributes the information all over the country. It is too slow, and not quick enough.

Mr. LEISENSON. It would not be necessary to send all of them to Washington, you know. Here may be a private employing agency that could have an order in the city of St. Paul, and they can't get enough men there, and they send an order, or split the order, as they call it, and send to Chicago and Milwaukee and other places, giving each one a quota, to fill that order. Now, can that not be accomplished through the clearing house? In other words, let the superintendent of the office here give the superintendent the power to give such publicity to the opportunity as the situation warranted. If the position is a particularly difficult one to fill, it might require a wider publicity and a larger number of offices, and it might not require any publicity. It might be able to be filled in the local office.

Mr. SEARS. Truly. We do that. In regard to "Reports," that matter came up this morning—the reporting of private agencies. You are going to have a lot of duplication—duplication in the number of employers' applications and the number of persons called for, which was brought out this morning; the employer placing his order with 36 places; and then you will have the same thing with the employee, and so it will be difficult to analyze it. You would have to get the name of the individual and sort out the duplicates and eliminate and cut down the business possibly to only one. There would be the trouble.

Mr. LEISENSON. Then, you would say that the reports from the private agencies are not of any particular value.

Mr. SEARS. Why, they are for certain information. I don't believe that the information with regard—I think the Indiana law covers that pretty well. I am very much in favor of that part of the Indiana law.

Mr. LEISENSON. The Indiana law requires direct reports once a month from each employment agency in order to keep tab on their business. What do you think of the next one?

Mr. SEARS. A very good idea—a "Labor market bulletin," I believe, is needed. We have done it for years—for the seven years since we have been in business; we get one out every month—a labor-market letter, just as we get these financial-market letters, or letters of the dry-goods business, or boots and shoes. I think there is also a need in the labor market. What I want to say is this: That we set forth the conditions of the labor market as viewed from our office, and then submit that rough draft, barring, of course, the statistics which stand for themselves, but I show the letter to the various department clerks to verify and see if my opinion in regard to the matter is correct. So that it is a picture and a graphic illustration of the views of the employees that have to do with the handling of the help. "No disqualifications"; that is all right. "False statements by applicants" is all right. "Representations to be accurate"; that is good. "Dividing fees prohibited; no fees to employers," section 18, is a mighty good one. "Licenses and bonds" is all right. "Permits" is all right. "Revoking licenses or permits"; that ought to be there. "Children not to be referred"; that is good. Section 23, "Schedule of fees to be filed"; well, if you had a national law would a fee be uniform throughout the country?

Mr. LEISENSON. That is the idea of making them file them, because it would not be uniform, so that they have to file their fees, and then they are not permitted to charge any more or any less than that fee. It is the same system the Interstate Commission has for the filing of rate charges.

Mr. SEARS. Having a fixed fee over the country or each charge what he pleased, provided he did not exceed a certain amount.

"Contract to be filed." In regard to "Superintendents and assistants," I believe the commission should get a labor man. I do not believe the labor man

should be at the office. I am not prejudiced on that. I think my attitude in the last 30 years in public life will satisfy anybody on that score. But I believe a labor man should be an assistant. My reason for that—if we had a labor man at the head of the office there are many employers I know, in our State at least, would not patronize the office. There would be suspicion.

Mr. LEISENSON. Let's get that clear. Isn't that the difficulty? You say a labor man should be in the office. There is a tendency in the trades-unions to put somebody in there to represent their crowd—right in the office. Then there is a tendency on the part of organized employers to put somebody in there. And then, when they do these things, there might be a tendency on the part of the political party to do the same thing. Now, can't you avoid all that by having a strict civil service, regardless of whether a labor man is at the head or not, and then have the interests represented in the advisory council, where they could fight out all their difficulties, right in the open?

Mr. SEARS. Maybe so. Now, in the matter of "Registration," section 32. When our office opened we used the register—no; we did not when the office first opened. We commenced December 1, 1907, and we registered every applicant for employment who came in there for the first time, and as long as he remained unemployed that registration stood. We had that on a pink slip. We had it colored because every man couldn't remember whether he had ever registered there or not, but he could remember the color and could remember whether he had made out one of those when he could not remember the name or anything else; that is, in any case. But that does not show anything.

We tried that from December 1, 1907, until July, 1913, and they gave it a good, fair, and square trial, and it was not only an expense, as Mr. Bannard has said to-day, accumulating a lot of records; and what value are they? It does not show the amount of employment in any given area, because all the unemployed do not come into the office, and even if they did, they might come to-day on account of its being a pleasant day, and if it rained to-morrow they wouldn't come; or, if you advertised in the paper for certain classes of help, you might have a big crowd the next day, and if you did not you would not have a large crowd. So I do not think it would indicate anything.

Mr. LEISENSON. Your point is, then, that it is impractical for an agency to try to register every applicant for employment?

Mr. SEARS. Yes.

Mr. LEISENSON. But the registry only goes to those for whom there is a possibility of securing a position?

Mr. SEARS. I do, on that line, sure. I believe the private officers should file one similar to the Indiana law; that is, under section 38.

Mr. LEISENSON. That is all, Mr. Chairman.

Chairman WALSH. Does anyone want to ask him any questions?

Commissioner GARRETSON. Mr. Sears, in regard to this statement that was made earlier in the day, that employment agencies were of no use in the winter. Has your conclusions led you to believe that the placing of one man when jobs are absolutely scarce has more social value than 10 when there are plenty?

Mr. SEARS. Decidedly.

Commissioner GARRETSON. Therefore, if they were administered through Government channels, the smaller number that were placed is more than an excuse for their existence during the lax period, and the expenditure connected therewith?

Mr. SEARS. Yes, sir.

Commissioner GARRETSON. During your own experience, is there any legitimate function performed by an employment agency, legitimate function that can not be performed as well by a State or Federal conducted system?

Mr. SEARS. I don't know of any.

Commissioner GARRETSON. That is all.

Commissioner BALLARD. Do I understand you to mean that on the average one receives employment for, on an average, two persons who seek employment?

Mr. SEARS. We aim to give the employer a selection, and send sometimes two or more where one is wanted. We aim to learn from the employer how many he actually wants, not how many he wants us to send him. The record we make is of how many he actually hires. Sometimes he will say:

"Send down four or five boys." We want to know what his absolute demand on the office is.

Commissioner BALLARD. You can not say there are two men for each position?

Mr. SEARS. We aim only to send one, to make the selection carefully, and, among our older employers, the men who have charge of this work, know what the employers want, and usually the first man sent lands. When it is a distance from the office we aim to send only one, because it would be unfair to the second man, but we make sure that the man is going to go. We have rules for the punishment of that fellow, a copy of which your commission has. It may be considered as a black list, but it is not. If we send an applicant out and he agrees to go to an employer, and he does not, we say, "Nothing more doing." If he gets provoked and wants to make complaint, we say, "I will tell you what we will do; you go to that man, and if he will give you a letter stating that you went there, come back." If he goes to an employer and says, "I will report next Monday morning," and does not do so, we will take care of him in some way. We bar them from the privileges of the office. When the story circulates that we do that, it will give the public confidence in us.

Mr. LEISENBERG. You do not bar him for all time?

Mr. SEARS. No, sir.

Mr. LEISENBERG. Just for a certain period?

Mr. SEARS. Just for a certain period. We give him the benefit of the doubt, always.

Commissioner HARRIMAN. I want to ask a question. In sending out, the suggestion that we have in our outline, the suggestion of sending out bulletins, do you see any point of weakness there? That perhaps it would make it possible for the man to go straight for his job instead of going to the employment bureau?

Mr. SEARS. I have viewed that thing for 15 years. I think there is an advantage to it.

Commissioner HARRIMAN. You see an advantage or a weakness?

Mr. SEARS. I see an advantage. I am a believer in publicity. I believe that publicity will do more than all the machinery you can get together on this matter. You can see—I have several charts on this matter; Mr. Leisenberg and Mr. Barnes, your investigator, have seen them—indicating how and where those people can go. For example, in Chicago, we will have assembled, knowing that there are more than 500 people wanted, or 500 people wanted for building trades or factory work, whatever it may be, that will be indicated by the figure 1 in a circle. If there are more than 500 unemployed in a certain industry, it will be indicated by the figure 1 in a triangle around the city of Chicago, and that map is there in the post office, in a conspicuous place, and in conspicuous places throughout the country, the same as the weather map.

(The papers were received and marked "Sears Exhibits 1 and 2." The exhibits were submitted in printed form.)

It says on there—it gives the information; the individual goes down to the post office and looks on there and sees they want some carpenters out in Chicago, California, Galveston—wherever it may be—and he says, "I guess I will go there"; and the moving-up process, the leveling, so to speak, takes place automatically.

Commissioner HARRIMAN. What is going to keep the employment people from being put out of business if they go direct from the post office, or wherever they see this chart? What is the employment bureau going to draw on for that information? If people do not come through them, how are they going to know anything about it?

Mr. SEARS. I don't believe the employment office is going to go out of business, by any means.

Commissioner HARRIMAN. How will they get that information? They get the information from the employers applying to them and the employees. If the employees go direct from where they see this chart to the place where the job is offered, they do not go to the employment bureau at all.

Mr. SEARS. I have a plan which I presented to your commission through your counsel. That is a long story, but if the commission want me to go into detail in reference to it I will.

Commissioner HARRIMAN. The only question was, I asked if there was any weakness there?

Mr. SEARS. I don't see any.

Mr. LEISENBERG. I think I can develop that point.

Commissioner HARRIMAN. Yes.

Mr. LEISENBERG. I would like to read this into the record. This is a sales map issued by a bureau showing where it is advisable for business men to go to sell goods and where it is not advisable. That does not tell the salesman, however,

what particular firms to go to. It does not eliminate the salesman. The same way a labor conditions map might be issued of this kind, and yet in order to take advantage of that information the wage earner would have to go through the regular channels of an employment agency.

Commissioner HARRIMAN. That is what I wanted to bring out.

Commissioner GARRETTSON. He would go to a section and then avail himself of the employment agency.

Commissioner HARRIMAN. Don't the transportation cost and everything else go in there?

Mr. LEISEN. Yes; it would be very important to indicate if in this part of the country—in the Northwest—if a job is advertised, carpenters wanted at \$6 a day, it would be important to state that it cost \$10 a week for board, because a person who pays \$4 a week for board in the East and he hears that they pay \$6 a day for a carpenter out there, he might conclude that the cost of living would be the same, and it would be important to state that.

Commissioner HARRIMAN. Are you going to say all that on the bulletin which is posted in those different places? If they are going to get all that information, why are they going to go through an employment agency?

Mr. LEISEN. We do not tell them what particular firms to go to or the details. The purpose of an employment agency is to distribute reliable information. That is, to tell the details—just the kind of work, just the kind of man that is wanted. The trouble with information that is distributed now in an unorganized way—this is done now: When an employer can not get workmen he sends for a reporter and the reporter says, "Five hundred men wanted in Oshkosh," and 500 men go there, and none of them, perhaps, can do the particular kind of work. With this map, a commercial agency distributes bulletins that describe briefly in this way, and on here states the cities of the country, but the details are not given. So that if a man wants to know whether it is really advisable to go there he would have to come to some one—to an agency—to find out just what kind of work is there.

Commissioner HARRIMAN. That is the point, exactly, that I wanted to bring out.

Chairman WALSH. That is all; thank you. Call your next.

STATEMENT OF WALTER LINCOLN SEARS.

The possibilities of your commission for good in the communities are large and far-reaching.

How dignified and significant one's life becomes when he discovers his special capabilities and learns that he really has a work and that he can do it. No man may complain that his place to-day is small, his opportunities meager, when his effectiveness will depend almost wholly upon what he makes his place and opportunity.

Nonemployment, or unemployment, is the paramount question of the day. It is a question too high for modern industry, and almost too big for American statesmanship. It has engrossed the attention of the civilized world for generations.

I shall endeavor to call your attention to the causes of unemployment, the various remedies proposed for their relief, also what I believe to be the duty of organized society—the Government—and the real remedy.

Among the many causes of idleness or unemployment may be mentioned lack of work or material, unfavorable weather, strikes and lockouts, disability, stock taking, adoption of labor-saving devices or machinery, failures, consolidations, and repairs. Many of these causes can not be removed.

There are two kinds of relief, emergency and permanent. The agencies employed for the relief of distress in times of emergency are: The permanently established relief agencies of town and State, such as the poor department; municipal departments of public works, temporarily used for furnishing work relief; private charities; special relief committees; labor organizations.

There is no one of these agencies which can be relied upon to the exclusion of others; the importance to be given to each is a matter of grave concern; and, if a community has decided that it is necessary to undertake extraordinary measures for the relief of unemployed persons, the most serious question to determine is, To whom shall these relief measures be intrusted? The selection of the proper agencies of relief involves not only a question of principle, but a question of practical expediency.

There are but few who would leave all measures of relief to the overseers of the poor alone.

There are a few who believe that the relief of the unemployed can be made entirely through the extension of public works, of the establishment of workshops. The difficulties of providing for employment upon public works are many. The financial conditions of our municipalities and the necessity of making departmental plans months in advance, operate against the practicality of utilizing employment upon public works promptly and easily for the benefit of inexperienced men, very many of whom would not be physically competent.

The movement known as the organization of charities has been of great value to society; not only lessening the pecuniary burdens placed upon society, but also by developing and educating humanitarian enemies into new and more fruitful fields. It is a movement intended for the benefit of all elements in society, but from which, nevertheless, a considering element stand aloof. Constant care must be taken to prevent imposition; and, indeed, this is one of the principal reasons for the associating and coordinating of the charities of a city. Unfortunately, this is regarded by many as its chief function, and a certain element will not distinguish between friendly visiting and charity.

On the other hand, it is held that at certain times, special conditions arise which have to be met with special methods. It seems to me very clear that the problems of "employing the unemployed," and "of relieving distress," and "relieving pauperism" had better be, so far as possible, kept absolutely distinct. I do not approve of the expediency of treating these as one compound problem. I do not, therefore, see how it would be wise to send all the unemployed men and women who are in want to the various societies which are organized to deal with distress, want, and suffering. It should be very unwise to oblige the laboring men and women out of work to submit to the ordeal of the usual charity application.

I do not believe in the establishment of special relief committees, for the reason that it would be better to utilize the ordinary agencies of relief. They understand the situation more intelligently, can detect and prevent imposition or fraud, are in possession of records which at times are invaluable, and have at hand more or less expert service for investigation.

Organized relief agencies should broaden their boards of management and introduce representatives who would bring them into closer contact with industrial conditions.

As for relief of the unemployed through workmen's organizations alone, it must be remembered that a large number of laborers, both men and women, particularly the latter, do not belong to labor organizations. A few of the more skillful trades-unions have introduced an "out of work benefit" into their administrations; many labor organizations have the machinery for intelligent relief, but as no funds are accumulated by the larger number of these societies which can be drawn upon in periods of non-employment, they can do little for the financial relief of their members.

Among the permanent measures which have the possibility of relieving the distress of the unemployed by methods which will so change the social or industrial conditions that there will be a smaller amount of involuntary non-employment in proportion to the total population are: Removal of residents of cities to the country and farms; removing the competition, and hence displacement of free labor, occasioned by the labor of inmates of reformatories and penal institutions; shortening the hours of the day's labor; restricting of immigration; extension of vocational training; improving the intelligence and employment offices, or establishing free employment offices.

The progressive labor legislation enacted during the past decade has done much to shorten the hours of labor, and naturally that means greater employment. I have found employers, generally speaking, perfectly willing to live under any law which applies alike to his competitors. Labor laws should be national in scope and passed by the Congress of the United States.

I believe that the evil of nonemployment is in a considerable measure due to irresponsible, ill-advised, and ill-adapted immigration. It is found in many of the larger cities of the United States that a large proportion of those who need assistance during industrial depression are immigrants who have recently arrived. It should be the duty of the Federal Government to be able at a moment's notice to give information to those requiring it, concerning every opportunity for employment and conditions of the same in every part of the United States.

I agree with the former Secretary of the Department of Commerce and Labor in that we should not exaggerate our industrial prosperity abroad. We can be conservatively optimistic without misstating actual conditions. We welcome the best immigrants, ethnically and industrially. If glowing accounts are sent abroad about the prosperity which does not exist it means an increased alien population in our cities at a time when we can with difficulty scarcely care for the needy at home. I believe in protection to American industries, and I also believe in protection to our American workman at home from competition at home in cheap alien's labor.

A considerable part of the evil of nonemployment is associated with the lack of skill or training on the part of industrial workers who can not easily and promptly adapt themselves to new conditions when displaced by new machinery, new processes, or changes in the condition of production. There is an unsatisfied demand for better skilled workmen, while at the same time the lower grades are overcrowded. The remedy is vocational schools, fitting boys and girls for some real work in life. Adaptability is the industrial need of the time.

During my seven and a half years' experience at the Boston free employment offices, I have been deeply impressed with the great number of applicants who have no vocation, and the apparent necessity of adding something to the present school curriculum, which will make the youth ambitious, diligent, and self-reliant to better prepare himself for the responsibilities of the future. Both in the home and in the school there is too much leniency in the care of the disobedient child, and a want of discipline somewhere, which results in a disrespectful, lazy, unruly youth, deficient in application after the school year. Parents and guardians are flagrantly careless and neglectful of the ethical and industrial training of the child. There can be no permanent improvement until we have produced a better man, one who will do his utmost to improve his own condition and better that of his brothers.

Free public employment offices are agencies supported by the Government out of general taxes, and designed to bring employee and employer together for the purpose of furnishing employment to the former and help to the latter. The employment agency as a private institution is of long standing. As a department of philanthropic work it is found as far back as 1835, when the Industrial Aid Society of Boston opened its free employment office. From a plain business standpoint it has been proven that a public employment office affords great possibilities for usefulness in every large community.

Free employment offices, labor bureaus, or exchanges, as they are termed in foreign countries, maintained by the Government, were first established in continental Europe more than a generation ago. Such offices are now located in Austria, Belgium, Canada, Denmark, Finland, France, Germany, Great Britain, Luxembourg, Netherlands, New South Wales, New Zealand, Norway, Russia, Sweden, Switzerland, and West Australia. Germany and England have the most extensive systems. It has been said that Switzerland has the most comprehensive scheme for dealing with the problem of unemployment.

The first free public employment office in the United States maintained by the Government was established in Ohio in 1890, mainly through the efforts of organized labor, who desired to do away with the unscrupulous private agencies.

Most of the free public employment offices in the United States are under the jurisdiction of the bureaus of statistics or labor departments of the respective States; there are few municipalities financed and managed by the respective local authorities.

Offices under State control in the United States are located in the following-named cities: Colorado Springs, Denver, Pueblo, Col.; Bridgeport, Hartford, New Haven, Norwich, Waterbury, Conn.; Chicago (3 offices), East St. Louis, Peoria, Rockford, Rock Island-Moline, Springfield, Ill.; Evansville, Fort Wayne, Indianapolis, South Bend, Terre Haute, Ind.; Topeka, Kans.; Louisville, Ky.; Boston, Fall River, Springfield, Worcester, Mass.; Detroit, Grand Rapids, Jackson, Kalamazoo, Saginaw, Mich.; Minneapolis, St. Paul, Minn.; Kansas City, St. Joseph, St. Louis, Mo.; Helena, Mont.; Lincoln, Nebr.; Cincinnati, Cleveland, Columbus, Dayton, Toledo, Ohio; Guthrie, Muskogee, Oklahoma City, Okla.; Providence, R. I.; Pierre, S. Dak.; Wheeling, W. Va.; La Crosse, Milwaukee, Oshkosh, Superior, Wis.

Cities having offices under municipal or citizens' control are: Los Angeles, Sacramento, Engle, Cal.; Duluth, Minn.; Kansas City, Mo.; Butte, Great Falls, Mont.; Newark, N. J.; Cleveland, Ohio; Portland, Oreg.; Aberdeen, Everett, Hoquiam, Seattle, Spokane, Tacoma, Wash.

There are offices in the Hawaiian and Philippine Islands. The offices in Canada are located in the following-named cities: Winnipeg, Montreal, Quebec, Sherbrooke, Ottawa, London, Hamilton, Berlin, and Edmonton.

Owing to the fact that changes are taking place in the number of these offices certain allowances must be made for corrections in the above list.

Free public employment offices—are they really useful, needed institutions? It is desirable, in the first place, to learn whether the principle itself is right; whether on the broad ground of common sense the idea of a public-employment office is a practical one; whether, if intelligently carried out, it will confer direct benefit upon any considerable portion of the community. All society, it may be said, is composed of employers and employees, each of which is continually seeking the other.

In the absence of any system of supplying reliable information and grouping of opportunities, each side, in looking for suitable help or employment, must depend largely upon blind personal effort, at an expense of time and energy, which might otherwise be devoted to accumulation. This waste, however insignificant, though often large, should be lessened. Anything which tends to concentrate the wants of the buyer and the seller of labor and helps to fit them together is necessarily in the interest of economy and public convenience.

This principle enters into various commercial organizations which are conducted, not as a private enterprise for profit, but for the mutual good of all those interested in the buying and selling of certain commodities—the members paying their proportion for the benefits enjoyed in union of effort. As a labor exchange is provided for the convenience of society as a whole taxation becomes the fairest and most feasible means of equalizing the expense.

The time lost to the average wage earner between the loss of one position and the finding of another would, if any means existed of compiling the statistics on the subject, foot up to an enormous amount annually in dollars and cents.

Private initiative can not be relied upon to furnish all possible assistance to the unemployed seeking employment for the reason that it must make merchandise of men's necessities to an extent that is socially harmful, even when conducted as a legitimate business and entirely free from extortionate charges.

The Massachusetts Free Employment Offices were created by an act of the legislature approved by Gov. Curtis Guild on May 31, 1906, and are under the supervision of Director Charles F. Gettemy, of the bureau of statistics. Offices were opened at Boston on December 3, 1906; Springfield, September, 1907; Fall River, October, 1907; and Worcester, September 15, 1913, and each one is in charge of a superintendent.

When the Boston office was opened the cynics predicted that it would be used as a political headquarters; some thought it would be a strike-breaking establishment; others tried to discredit it by saying that it represented an obnoxious form of socialism; failure at the end of a year or two was predicted; it was alleged that it was a charity and that no self-respecting person would patronize it; that the office might possibly be serviceable headquarters for unskilled labor, but that high-grade help would never be among its patrons.

We realized from the beginning that if an office was to succeed and accomplish what its friends desired, it should be free from all suspicion of favoritism toward any class in the community and likewise be free from the suspicion of being an adjunct of, or influenced by, partisan politics, but that the office should be conducted with the sole aim to render the highest service to the employing public. We knew that if the employing public had confidence in the office, the unemployed could then be assisted. That was our policy on the opening day; it is our policy now; and we are thus enabled, because of adhering strictly to it and with the strong arm of the Government behind us, to render eminently disinterested service, free to all and, I believe, equal to the best anywhere.

In regard to the office being a strike-breaking establishment, I ought to explain a part of our system relating to furnishing help in case of strikes or lockouts. Whenever the office receives information from a reliable source that there is a strike or lockout at a certain establishment which makes application to us for help, we stamp on the employee's introduction card that fact, so that he is at liberty to accept or reject the offer, knowing the condition before he leaves the office. We make no comment, neither advising him to accept nor to reject the offer. We have handled very many serious strikes, some of which were bitterly contested. We have received orders from employers, sent help to take the place of strikers, and not one word of criticism has ever been made to the office by employer or employee or organized labor.

As to its being a charity—my conception of the word "charity" is the giving of some material aid free. Our office simply furnishes information as to where employment or employees may be obtained; it does not furnish or guarantee to furnish employment itself, and is no more a charity than the public libraries or public schools. In answer to the prediction that no self-respecting person would patronize the office, I can prove conclusively that our office is equipped to supply, and does supply, the highest grade of help.

The workers should be regarded as in no way objects of charity, but should be deemed in all respects free and independent citizens. This point is absolutely vital. If the system had ever so little the flavor of charity, no diplomacy or cleverness could prevent its flat failure. No working man or woman should be made or permitted to feel that in applying to the State free employment office for work he or she has in any way compromised dignity or self-respect.

Not one single prediction of our critics has come true. On the other hand, all, and more than was anticipated by its friends, has resulted.

For obvious reasons, I am of opinion that public employment offices should be exclusively under the control of the State, independent of city government, and all appointments made should be from the classified civil service. The headquarters should be accessibly located and well ventilated. The system should be as simple as possible, consistent with efficient service, with separate divisions for the different grades of male and female help, skilled and unskilled. Absolute neutrality should prevail to insure the support and confidence of the employer and employee alike, and also to avoid the complications likely to arise during strikes and lockouts.

After all is said and done, the success of the free employment office, like any other business, depends on efficient administration. This can only be attained by persons possessing a knowledge of human nature, with good judgment, and large sympathy.

To-day no one who has given any thought whatever to the subject can doubt the advisability of centralizing the demand for help as well as by the supply at the free public employment offices which are maintained by the government, free to all. If the employer is required to apply to one office for an errand boy, to another for a stenographer, and still another for a mechanic instead of at one central office, obviously the argument is strongly in favor of the central bureau with the strong arm of the government back of it, which guaranteed disinterested, impartial service free to all.

Massachusetts leads in practically every line of social endeavor for the education, uplift, and betterment of mankind.

The first free public school was established in Massachusetts. The first shot for freedom from the yoke of the English rule in America was fired here. We all know the efforts of Charles Sumner, Wendell Phillips, and William Lloyd Garrison for universal liberty and freedom of the slaves. We have the best labor laws in the United States. We took the first step for and have the best child-labor laws. We lead in organized charity work. Our State institutions are the best, and it is only natural that Massachusetts should lead in the matter of public employment offices.

Boston can justly claim the credit for the first vocation bureau in the world. The Boston free employment office is the first to have a vocational counselor to advise the youth as to the best business to enter. We claim credit for the first and only office which has a department for handicapped persons. We claim credit for establishing the first public employment office under civil-service law, with departments in charge of efficient clerks for the handling of all classes of skilled and unskilled male and female help and minors.

There are 10 cities in the United States and 3 in Canada using our forms and system. The Massachusetts offices are known all over the world, and frequently we receive inquiries from foreign countries regarding our system and method of doing business.

The Boston office has now over 27,000 employers as patrons from 22 States and Canada, representing nearly every kind of business. We filled more than 21,000 positions in 1913, more than 60 per cent of which required help with previous training or experience.

The forms and system in use in the Massachusetts offices are of our own creation. When the law creating free employment offices in Rhode Island was passed, Commissioner Webb visited Boston and paid us a high compliment by adopting our forms and system. Former Commissioner Seoville, of Connecticut, soon learned of the efficient system which we had and discarded the one in use in his State and adopted ours. In the fall of 1910, Factory Inspector Guyon

of the Province of Québec in Canada, visited our office, among others throughout the country, and in April, 1911, adopted our blanks and system, shapily translating them into French.

Mr. William M. Lelserson, an expert for the Wainwright Commission on Unemployment of New York State, in 1910, paid a high compliment to our office by stating in his official report, after visiting public employment offices in this country and abroad, that "the Boston office was the most efficiently managed." Since that time, Mr. Lelserson has been appointed superintendent of the free employment offices in the State of Wisconsin, and, with very slight modifications, they have adopted our forms and system, if anything, their forms are not as simple as ours. So it will be observed that Massachusetts still leads in the big problems, the problems which are demanding the attention of the world's ablest geniuses.

Comparisons of the cost for the operation of these offices should not be made upon a per capita basis for reasons which must be apparent to anyone familiar with their management and operation.

THEIR DUTY TO SOCIETY.

From the experience of the foreign public employment offices, some of which have been in operation for a generation, we should be able to learn a good deal, and adopt such ideas as may be applicable to conditions in this country. American labor conditions are obviously different and we should choose only such methods as are suitable to our needs. We should discourage all plans which might result in making the individual dependent. While it may be the duty of the Government to assist the unfortunate individual in every proper way, we ought not to adopt any scheme which would be likely to make him dependent upon the Government or society for support. I favor the giving of information relative to help or employment, but not of any material thing which savors of charity, or tends to pauperize the individual. The methods and practices of the foreign offices, I fear, tend to make the individual dependent, and this should not be permitted to enter into our scheme of furnishing information as to where help or employment may be obtained. Paternalism has its advantages, and also its disadvantages, but there is a limit which we should not attempt to reach too rapidly.

In regard to the matter of charging a fee for service to either employer or employee, or both, on the theory which has been advocated that it would make the office self-supporting and tend to keep away the undesirables, the idea is fallacious. For further information in regard to the matter of fees, see Massachusetts Public Document No. 80 for 1907.

There is no department of the Government which could be made as beneficial in its results as the successful establishment and proper management of free public employment offices in coordination with the Federal Government. Their establishment and proper management would, in my judgment, do much in normal times to reduce the number of idle, shiftless, intemperate, immoral, and criminal, and it would make for better citizenship, and a respect for our laws and civic institutions.

PLAN FOR DISTRIBUTION.

Labor distribution is a problem that has taxed the ablest minds of the world for a generation. The efficient distribution of labor is a vital matter, and doubtless the public employment office, labor exchange, or clearing house, is an important factor in the solution of the question. Well-managed public labor exchanges or employment offices can render valuable service by cooperation with the Federal Government in an effective scheme for distribution.

There are millions of employables in the United States who are unemployed some time during the year, even during periods of greatest industrial activity and prosperity, and while this vast army of willing workers are idle—honestly seeking employment—thousands of employers are vainly seeking help. In the absence of reliable information they do not know where to look for such help as they may need. This state of affairs could not exist to-day if those public officials who are responsible would, without fear or favor from either capital or labor, put into operation an effective plan for the distribution of labor.

It is the duty of the Federal Government to institute some plan by which to reduce idleness—to shorten the time between the loss of one position and the procuring of another for every individual who is so unfortunate as to become idle, and thereby increase the number of producers.

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It is the duty of the Government to furnish country-wide authentic information to the public as to where help or employment may be secured, so that either the seeker for work or help may readily learn where to apply.

Practical, prudent publicity will accomplish results, and as one means toward that end I recommend a bulletin of opportunities to be issued by the Federal Government, similar to the Weather Bureau map. The judicious publicity of opportunities for employment in this country obviously would result in a leveling, so to speak, a nation-wide equalizing and betterment of labor conditions. This bulletin could be posted in such places as expediency and experience proved advisable.

During the panic of 1907-8 a certain metropolitan city appropriated a considerable sum of money by which to relieve conditions then existing in that city, which fact was published broadcast. A large number of people went to that city, the money was soon expended, and the people for whose relief it was appropriated did not receive their full benefit; and conditions thereafter were very much worse. The same would doubtless be true of the labor market, were information relative to opportunities in one city only made public.

Publicity should be given to opportunities duly where a considerable number of a certain kind or kinds of help were idle or wanted; I have arbitrarily set the figure at 500, for the reason that a smaller number could be taken care of locally. If there were 500 or more persons representing a particular trade idle or wanted in any locality, the bulletin would show that fact, so that all who were interested might readily learn just what to do.

As a means of obtaining the required information, I recommend that the chief executive of each city in the United States, having a population of over 50,000, appoint a representative committee, consisting of himself and a representative of the chamber of commerce, the charity board, the labor organization, the postmaster, and if there is an immigration office or public-employment office in the city, they also should be represented on the committee. This committee could, under proper rules and regulations, prepare information relative to the condition of the labor market in their respective locality and report to the Federal Government on specially prepared blanks as required.

Each report should be certified to by a notary public, thereby assuring its authenticity. The committee should be exceedingly careful not to misrepresent labor conditions.

The matter of publishing the bulletin in certain languages, together with other pertinent details, such as wages, hours, and tenure, while important, are of secondary consideration and can doubtless be perfected as the result of experience.

I feel certain that the idea can be made peacefully operative and highly beneficial to both capital and labor. It should be a country-wide graphic illustration of labor conditions. Obviously the Federal Government is the only proper party to prepare and disseminate this information.

TESTIMONY OF MR. J. L. McGREW.

Mr. LEISERSON. Will you state your name and official position?

Mr. McGREW. J. L. McGrew, Assistant Chief, Division of Information, Bureau of Immigration, Department of Labor.

Chairman WALSH. Located where?

Mr. McGREW. Washington.

Mr. LEISERSON. Will you tell the purpose of that bureau or division?

Mr. McGREW. Under the law the purpose of the division is to promote a beneficial distribution of admitted aliens among the States and Territories desiring immigration.

Mr. LEISERSON. How long have you been connected with the division?

Mr. McGREW. Almost four years.

Mr. LEISERSON. Is that as long as it has been in existence?

Mr. McGREW. No, sir.

Mr. LEISERSON. How long has it been in existence?

Mr. McGREW. The law was passed in February, 1907. I think the bureau or division was organized the 1st of July following.

Mr. LEISERSON. Do you maintain a regular employment office in connection to do that work, or is it merely to distribute information generally?

Mr. McGREW. We do not call it an employment office; we call it a distribution branch located in New York City.

Mr. LEISERSON. You have a bureau only in New York City, or in other places?

Mr. McGREW. We cooperate with regular immigrant stations in some other cities.

Mr. LEISERSON. But the main office is in New York City?

Mr. MCGREW. Yes, sir.

Mr. LEISERSON. Can you give us a reason why you do not call it an employment office? Don't you do a regular employment business?

Mr. MCGREW. The inspector in charge of the distribution branch at the present, and who will be here later, can better explain.

Chairman WALSH. Chief Powderly, isn't it?

Mr. MCGREW. Powderly.

Mr. LEISERSON. Do you mean C. L. Green?

Mr. MCGREW. No.

Mr. LEISERSON. What particular part of the work are you most familiar with?

Mr. MCGREW. I am interested in the administrative end of the division at Washington.

Mr. LEISERSON. Can you give us any idea as to the number of people that are distributed by your department?

Mr. MCGREW. I have the figures.

Mr. LEISERSON. If you please.

Mr. MCGREW. If you will allow me to refer to them. I find that from July 1 to June 30, 1913, there were 25,299.

Mr. LEISERSON. Distributed?

Mr. MCGREW. Direct to specific opportunities.

Mr. LEISERSON. Now, let us get definitely what you mean by direct to specific opportunities. Were those men sent to work?

Mr. MCGREW. Sent to specific employment; yes, sir.

Mr. LEISERSON. Have you a method of following up to see that they actually get to work?

Mr. MCGREW. Yes, sir.

Mr. LEISERSON. Mr. Sears testified here, and it is the general experience of all the employment offices that have been called upon, that about half, very seldom more than half of the people who are sent to work, actually get the positions. Is that taken care of in your figures?

Mr. MCGREW. This is the net number accepting positions.

Mr. LEISERSON. That is the number that were verified that actually went to work?

Mr. MCGREW. Actually went to work.

Mr. LEISERSON. What kind of work is that? Have you any idea of the classification of occupations?

Mr. MCGREW. The annual reports show—I have them all with me.

Mr. LEISERSON. You will file that as your report?

Mr. MCGREW. I can say that the two main groups are foreign laborers and unskilled laborers.

Mr. LEISERSON. Can you give us an idea of the total last year?

Mr. MCGREW. Yes. The total number direct for the fiscal year, 1913, was 5,025.

Mr. LEISERSON. Direct? Does that mean merely sent out?

Mr. MCGREW. Actually sent out.

Mr. LEISERSON. Can you describe to us any system by which you verified the fact that they went to work?

Mr. MCGREW. Yes, sir. Mr. Green will place in the record the card which is returned by the employer to his division.

Mr. LEISERSON. Can you give us an idea of the total cost to place those 5,000 into employment?

Mr. MCGREW. It is merely a matter of appropriation.

Mr. LEISERSON. What is your appropriation?

Mr. MCGREW. It is segregated. It is a part of the immigrant fund. I can easily put that into the record later. I haven't it with me.

Mr. LEISERSON. Can you tell me approximately?

Mr. MCGREW. I would not want to say approximately; no, sir.

Mr. LEISERSON. You say that about 5,000 were placed last year?

Mr. MCGREW. Yes, sir.

Mr. LEISERSON. Can you give us any reason why the work is not more extensive when you have the whole country to take care of, whereas in Boston they place annually 15,000 or more?

Mr. MCGREW. I couldn't offhand. I think I would rather have that explained by the gentleman in direct charge of the operation of the office, Mr. Green, of the New York office.

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Mr. LEISENBERG. Did you get a copy of our plan?

Mr. MCGREW. Yes, sir.

Mr. LEISENBERG. Have you got any suggestions or criticisms?

Mr. MCGREW. Yes, sir; I have a brief statement on the subject.

Mr. LEISENBERG. If you will, please.

Mr. MCGREW. In this connection I wish to say that the request which I received, dated May 2, stated that the subject of the hearing was "State mediation and arbitration of industrial disputes," whereas the subsequent letter, dated May 14, stated the subject to be "Employment offices and unemployment." Therefore I have had very short time for preparation of this.

Mr. LEISENBERG. Were you requested to appear on State mediation and arbitration of industrial disputes?

Mr. MCGREW. Yes, sir, originally.

Mr. LEISENBERG. That was a mistake.

Mr. MCGREW. If you have no objection, I will read this.

Mr. LEISENBERG. About how long will it take you?

Mr. MCGREW. About 10 minutes.

Chairman WALSH. How many pages are there?

Mr. MCGREW. Six and a half pages.

Chairman WALSH. We have tried to make it a rule that where a written statement, where it was written out, to simply submit them and then make any verbal suggestions that you care to, of subjects that you think are of striking importance in that paper or outside of that paper.

Mr. MCGREW. I will read the important paragraphs.

Chairman WALSH. Not read it, but just state them.

Mr. MCGREW. Yes.

Chairman WALSH. Each member of the commission gets a copy of that.

Mr. MCGREW. At the outset I wish to have it distinctly understood that any statements I may make at this hearing are the expressions of my own opinion and are not to be taken as the voice of the Department of Labor, with which I am connected.

In reference to Paragraph I of the proposed plan I would suggest that the name of the organization be changed to "Bureau of Employment and Distribution." Not that I object to the term that you have adopted, or had suggested to you, but I would like to see the word "distribution" added, and I think if you had a name, "National Bureau of Labor Exchanges and Distribution." It would be rather long. Therefore I would suggest the name of "Bureau of Employment and Distribution."

My object in suggesting this change of name is because of my belief that the Division of Information should be a part of and the nucleus of this new bureau.

I approve of having such a department in the Department of Labor, referring to Paragraph II, the method of the appointment of a director is not stated. I wish to go on record in favor of the appointment of a director by the Secretary of Labor and in accordance with Civil-Service rules.

Mr. LEISENBERG. Does not Paragraph V state that the director and all subordinate officers—

Mr. MCGREW. Yes, sir; that states they should be merit appointees.

In respect to Paragraph III, I appreciate the necessity of maintaining impartiality in disputes that might arise between capital and labor, but it would seem, under certain conditions, that such an advisory council, especially one composed of several members devoting their entire time to the duties of the office, would prove unnecessarily expensive, particularly if composed of a large number of persons devoting their entire time to it.

Mr. LEISENBERG. No; this is entirely unpaid, to meet only once a month.

Mr. MCGREW. The number of persons composing the advisory council is not stated; but in view of the method of selecting a chairman, it is not seen how the council could be composed of less than six members.

Mr. LEISENBERG. The idea is to have 10 or 20.

Mr. MCGREW. In my opinion, an advisory council, composed of as many as six men, instead of assisting the directors on all matters pertaining to the management of the bureau, to determine the policies and the selection of subordinate employees, as this plan suggests, might become a hindrance by interfering with the director in his work and causing friction and divided responsibility.

Mr. LEISENBERG. Have you had any experience on such a council?

Mr. MCGREW. No, sir.

Mr. LEISEN. A council of 20 in the city of Milwaukee, where there has been no difficulty whatever, on this board, and the British labor exchanges all have large advisory councils.

Mr. MCGREW. In this connection I desire to call attention to that portion of section 8 of the act of March 4, 1913, creating the Department of Labor, which reads as follows:

"That the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever, in his opinion, the interests of industrial peace may require it to be done."

In view of the foregoing provisions of law, I do not see the necessity of providing for another body to "see to it that the bureau was impartial in disputes between labor and capital."

Mr. LEISEN. This is not with the idea of mediating disputes at all. This is merely to see that the employment offices is so run impartially, as, for example, Mr. Sears's office is, merely to watch that it is not used by one side or the other in labor disputes.

Mr. MCGREW. It occurs to me that if the method of appointing the directors is above suspicion and you get the right director, that that ought not to occur.

Mr. LEISEN. The idea of confidence on both sides is important?

Mr. MCGREW. Yes, sir.

Mr. MCGREW. In reference to Paragraph VI, I would have a provision under Paragraph VI transferring to the proposed bureau the personnel of the Bureau of Information, together with all the powers and duties of said division, as enumerated in section 40 of the law of February 20, 1907.

Mr. LEISEN. You would suggest transferring it?

Mr. MCGREW. Absolutely.

Mr. LEISEN. Would you?

Mr. MCGREW. Yes, sir.

In reference to Paragraph VII, clearing houses; in my opinion, these clearing houses mentioned in Paragraph VII should not be only clearing houses for all information regarding labor-market conditions in the district, but should, in addition be clearing houses for information concerning lands offered for rent or sale to nonresidents.

Mr. LEISEN. Wouldn't that be included under the purposes of the bureau which gives it "to make known the opportunities for self-employment in the United States"? That is in section 6, subsection 1.

Mr. MCGREW. I differentiate a little between self-employment and investment in land, either as buyer or renter.

Paragraph VIII seems to be all right.

Paragraph IX provides that the several clearing houses shall compile and publish the information relating to their districts, and that the central office in Washington shall compile the information from the clearing houses and publish it in a labor market bulletin covering the whole country in the English language, and in any other languages that may be necessary or desirable. This presents what appears to me to be an unnecessary duplication of work, and, therefore, a needless expense. I accordingly recommend the elimination of the requirement that clearing houses shall publish information, and that the matter of publication be placed solely in the hands of the central office in Washington. It is believed that a publication along the lines of the Farmers' Bulletin of the United States Department of Agriculture would be sufficient to meet the needs of the situation. In thus restricting the publication to the central office in Washington, I am using the word "publication" in a limited sense as referring to a printed publication, and do not by this statement wish to be understood to advocate the prevention of the dissemination of information by clearing houses as provided in Paragraph X.

Part 2 of the proposed plan, Paragraphs XIII to XXVIII, inclusive, refers to legislative rules, and I am inclined to agree with the statement in Paragraph XXVII that it will never be possible to cover all the cases of wrongdoing by direct provisions of law. I recommend, therefore, that the law be so drawn as not to only prohibit fraud, misrepresentation, and improper practices, but to give the bureau broad and general powers, to make rules and regulations, to carry out such intent and purpose of the law.

In conformity with my previous recommendation on the subject, I urge that the bureau be given jurisdiction over individuals or agents engaged in selling lands to nonresidents of the State in which such individuals or agents are located.

Mr. LEISENBERG. You would not connect that directly with the employment business, would you?

Mr. MCGREW. I would connect that directly if I would put in there the division of information, because the information we give to aliens relative to agricultural opportunities as well as of employment.

Mr. LEISENBERG. That is to say, you would have a division of information whose business it would be to give them opportunities in agriculture, or any other information regarding agriculture, or any other opportunities, as a distinct and separate kind of work from the ordinary employment business? Where a man is referring to work, etc.?

Mr. MCGREW. I should say the bureau—I should give the bureau the power to do that, because the same field force would collect the information in respect to land that it did with respect to opportunities for employment. I am not clear that a separate division would be necessary.

The comment with respect to the advisory council would apply in the same way to Paragraph XXVIII in reference to the advisory committee.

Mr. LEISENBERG. Just for the purposes of the record, that Paragraph XXVIII ought to be the first paragraph under Part III. That was a mistake.

Mr. MCGREW. I see; yes.

Mr. LEISENBERG. That is the same proposition that you spoke of in regard to the advisory council.

Mr. MCGREW. Yes. I just wanted to make the same comment.

I made some notes, somewhat in detail, about the first. I don't know whether you would care to take the time to take that up. It is all in the statement.

Mr. LEISENBERG. No, no. If you will hand your statement to the stenographer.

Mr. MCGREW. This concludes the statement which I had to make.

STATEMENT OF J. L. MCGREW.

At the outset I wish to have it distinctly understood that any statements I may make at this hearing are expressions of my own personal opinion and are not to be taken as representing in any way the views of the Department of Labor, with which I am connected.

Taking up, serially, a discussion of the "proposed plan of a national system of labor exchanges," which the commission forwarded to me a few days ago, I desire emphatically to state that I approve of the plan in most of its essential particulars so far as it goes, but I strongly advocate that there should be included in its scope and operations further duties and powers, which I shall endeavor briefly to enumerate.

Commencing with paragraph 1 of the proposed plan, I would suggest that the name of the organization be changed to "Bureau of employment and distribution." I have no objection to the name "National bureau of labor exchanges," except that I should like to see added to the title the words "and distribution," which would render the name too long, hence my preference for the name "Bureau of employment and distribution."

To the outline of the purpose of the proposed bureau as set forth in paragraph 1 I urge that there be added the following: "It shall also be the duty of said bureau to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration."

My object in recommending a change of name and enlarging the powers and duties of the proposed bureau is based on the belief that such a bureau should take over the work which is now being performed by the Division of Information in the Bureau of Immigration, Department of Labor, and that the present Division of Information should form the nucleus of the organization of the proposed bureau. Right here let me commend as strongly as I may the proposal to have this body established as a bureau in the Department of Labor. The propriety of such action seems to me to be so apparent that I shall not consume your time by presenting arguments in favor of it.

Paragraph 2 as drawn appears to be all right in the main. It is noted, however, that the method of appointing the director is not stated. I wish, therefore, to go on record in favor of the appointment of the director by the Secretary of Labor in accordance with civil-service rules.

Referring to paragraph 3, I appreciate the necessity of maintaining impartiality in disputes that might arise between capital and labor; but it would seem under certain conditions that such an advisory council, especially one composed of several members devoting their entire time to the duties of the office, would prove unnecessarily expensive. The number of persons composing the

advisory council is not stated in the proposed plan, nor is any provision made as to how this council shall be appointed. In view of the method of selecting a chairman, it is not seen how the council could be composed of less than six members. In my opinion an advisory council composed of six members, instead of "assisting the director in all matters pertaining to the management of the bureau, the determination of policies, and the selection of subordinate employees," as this plan suggests, might become a hindrance by interfering with the director in his work and causing friction and divided responsibility. In this connection I desire to call attention to that portion of section 8 of the act of March 4, 1913, creating the Department of Labor, which reads as follows: "That the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done." In view of the foregoing provision of law, I do not see the necessity of providing for another body to "see to it that the bureau was impartial in disputes between labor and capital," and I therefore recommend the elimination of paragraph 3 from the proposed plan.

In connection with paragraph 4, I wish to urge what I regard as a most important addition to the duties there imposed on the agents or correspondents. That is, I advocate with all possible earnestness the provision that these officials be required to inspect and report on all lands or other properties in their respective localities concerning which the bureau may make inquiry. The object of this requirement is to prevent, so far as possible, the abuses which are continually coming to public notice of the selling to nonresidents of practically worthless lands through misrepresentations and misleading or false statements. I believe that if the machinery were provided for obtaining the actual facts with respect to land offered for sale to nonresidents, not only would fraud and abuse in this respect be practically eliminated, but much of the money which now goes to foreign countries for the purchase of lands would be kept in the United States and safely invested in the best of securities, to wit, land at a fair market price. This would also tend to relieve the congestion in the cities and counteract the drift from rural to urban communities.

Paragraph 5, in my opinion, contains important provisions and is well drawn, with the exception that the mode of appointing the director is not stated. I reiterate my recommendation that the director should be appointed by the Secretary of Labor in accordance with civil-service rules.

I recommend that a provision be added to paragraph 6 transferring to the proposed bureau the personnel of the Division of Information of the Bureau of Immigration, together with all of the powers and duties of said division as enumerated in section 40 of the act of February 20, 1907.

The clearing houses mentioned in paragraph 7 should not only be clearing houses for all information regarding labor-market conditions in the district, but should, in addition, be clearing houses for information concerning lands offered for rent or sale to nonresidents.

I have no comment to make with respect to paragraph 8, aside from the fact that it meets with my approval.

Paragraph 9 provides that the several clearing houses shall compile and publish the information relating to their districts, and that the central office in Washington shall compile the information from the clearing houses and publish it in a labor-market bulletin covering the whole country, in the English language, and in any other languages that may be necessary or desirable. This presents what appears to me to be an unnecessary duplication of work and therefore a needless expense. I accordingly recommend the elimination of the requirement that clearing houses shall publish information, and that the matter of publication be placed solely in the hands of the central office in Washington. It is believed that a publication along the lines of the Farmers' Bulletin of the United States Department of Agriculture would be sufficient to meet the needs of the situation. In thus restricting the publication to the central office in Washington, I am using the word "publication" in a limited sense as referring to a printed publication, and do not by this statement wish to be understood to advocate the prevention of the dissemination of information by the clearing houses as provided in paragraph 10.

Part 2 of the proposed plan, paragraphs 13 to 28, inclusive, refers to legislative rules, and I am inclined to agree with the statement in paragraph 27 that it will never be possible to cover all the cases of wrongdoing by direct provisions of law. I recommend, therefore, that the law be drawn so as not only to prohibit fraud, misrepresentation, and improper practices, but to give the

bureau broad and general powers to make rules and regulations to carry out such intent and purpose of the law.

In conformity with my previous recommendation on the subject, I urge that the bureau be given jurisdiction over individuals or agents engaged in selling lands to nonresidents of the State in which such individuals or agents are located, and that the prohibition against false statements and misrepresentations by employment agents as provided for in paragraphs 15 and 16 be extended to include individuals or agencies engaged in interstate sale of lands.

There hardly seems to me to be any necessity for the advisory committees as provided in paragraph 28. In any case, I would not make the appointment of an advisory committee mandatory, but would leave it to the discretion of the Secretary of Labor as to whether or not such a committee should be appointed.

Part 3, paragraphs 28 to 33, inclusive, relates to proposed regulations for public employment offices. Referring to paragraph 29, I would suggest that the superintendent of all public employment offices, whether maintained by the bureau or otherwise, be required to furnish a bond in a sum to be determined by the director, which in each case shall be equal to at least twice the amount of money which said superintendent is likely to have on hand at any one time as advances for transportation or other purposes.

The question of the advancement of funds for transportation does not appear to be covered by the proposed plan. I would recommend that provision be made for the handling by the superintendent of funds advanced for transportation by employers or others, and that the several States be urged to appropriate money to be used as advances for transportation, the same to be refunded to the States through the superintendent by the employer or employee, as may be agreed upon.

Part 4, paragraphs 38 to 50, inclusive, presents regulations for private employment offices. Referring to paragraph 39, I recommend that the bond in the penal sum of \$1,000 may be increased, in the discretion of the director, whenever it shall be found that the amount of money on hand in the nature of advances for transportation, registration fees, etc., shall exceed the sum of \$500. In other words, the bonds should be at least double the amount of the funds that are likely to be in the hands of the employment office at any one time.

Referring to paragraph 43, I would recommend that an applicant for a permit to engage in the business of an employment agent, but not for profit, be accompanied by a bond in the same manner as provided in paragraph 39.

Paragraph 47, relating to the time at which a fee may be accepted from an employee, does not appear to me to be clear. It is stated in that paragraph that "no fee shall be collected from any employee who applies to an employment agent for employment until said employee shall actually enter upon the duties of the employment secured through the agency of the licensee; provided, however, that a sum not to exceed \$1 may be collected at the time when the applicant for employment is sent to apply for work to an employer or at or after the time when an applicant for employment is engaged by an employer at the office of the licensee." It will thus be seen that the proviso is in direct conflict with the first part of the statement. Attention is also called to the fact that in paragraph 25 of the plan it is proposed that a registration fee may be charged upon the written consent of the bureau.

Chairman WALSH. At this point the commission will adjourn till to-morrow morning at 10 o'clock sharp, to meet in this same room.

(At 4.30 p. m. an adjournment was taken till May 20, 1914, at 10 o'clock a. m.)

CITY HALL, BOROUGH OF MANHATTAN,
New York City, May 20, 1914—10 a. m.

Present: Acting Chairman GARRETSON, Commissioners Lennon, O'Connell, Ballard, Harriman, and Delano.

Acting Chairman GARRETSON. The commission will be in order.

Mr. LEISERSON. Mr. Green.

TESTIMONY OF MR. C. L. GREEN.

Mr. LEISERSON. Will you state your name to the commission?

Mr. GREEN. C. L. Green.

Mr. LEISERSON. Official position?

Mr. GREEN. Inspector in charge of the New York distribution branch of the Division of Information of the United States Department of Labor.

Mr. LEISENBERG. How long have you been in that position?

Mr. GREEN. Since January, 1908.

Mr. LEISENBERG. Is that ever since that office has been in existence?

Mr. GREEN. Since the practical distribution has begun; yes.

Mr. LEISENBERG. You conduct practically an employment office, is it?

Mr. GREEN. Well, some of our results are the same as those of an employment office, though primarily our work is that of securing and distributing information. Incidentally we do give information to people who do secure employment.

Mr. LEISENBERG. What kind of information do you give them?

Mr. GREEN. We make a specialty of information concerning agricultural possibilities. We also keep data of interest to agriculturists, who are already so engaged, and we issue agricultural reports, soil surveys, maximum and minimum temperatures, and rainfall, and all that sort of thing of interest to people; the prices of land, general crops grown and the value of them, and various other data.

Mr. LEISENBERG. That is the greatest part of your duty?

Mr. GREEN. That is the part that we aim to put to the front.

Mr. LEISENBERG. And the distributing of working people over the country is a minor matter in your department?

Mr. GREEN. No; that is incidental to it. We do not slight it at all. The object of giving the information that we do give is to get people from the congested centers into the rural districts, where needed. That might be for the farm hand or might be for the common laborer. And we encourage aliens particularly to return to the farm where they have been in agricultural pursuits in Europe, instead of going to the mines and industrial pursuits, where they must learn a new trade. We try to encourage them with that advantage they already have.

Mr. LEISENBERG. Mr. McGrew testified here yesterday that you directed to employment about 5,000 people last year.

Mr. GREEN. Yes, sir.

Mr. LEISENBERG. Does that mean 5,000 actually placed in employment?

Mr. GREEN. That means that it will average about 5,000 a year; that would be about the average. That means out of nineteen or twenty thousand people who get information of various kinds, that we have positive information that this number have actually accepted employment due to the information that we have furnished; that is, those that we have positive knowledge of.

Mr. LEISENBERG. Does that include people who have gone out and bought farms, or just those that have gone to work?

Mr. GREEN. Well, those that have gone to work; and then very few of them buy their farms through us. That feature of the thing we prefer to do through the State representatives. If a man comes to us and says he desires to buy a farm, we ask him first where, which State, which section of the country, and which county, if he knows, he wishes to go to. I try to let him please himself. If he does not know, we have a pamphlet of opportunities which will give him information as to all the States and the crops raised, and various data that might be of interest to him. Then, when he has made his selection, we refer him to the proper officials of the State he elects to go to.

Mr. LEISENBERG. This 5,000, then, includes not only wage earners, but also people who want to buy farms?

Mr. GREEN. No; we would not include that man until we knew that he actually might purchase, and I don't know when they have actually purchased.

Mr. LEISENBERG. Then those are mostly farm hands.

Mr. GREEN. And croppers, as we call them—people working on farms on the share basis.

Mr. LEISENBERG. And do you include in that 5,000 also the common laborer?

Mr. GREEN. Yes; they are also included.

Mr. LEISENBERG. In what kind of work?

Mr. GREEN. Principally in quarries, barge canal, and public works, and road construction, and things of that sort. Very little of anything else. Among the admitted aliens who apply you will find many who have had no agricultural training at all. Those men must be looked after; and with those, even, I tell them that perhaps eventually they will become interested in agricultural pursuits, but for the present it would be well, "since you have to have money to pay the loan that you have secured to come to this country"—most of them come that way—"It would be better for you to take up what you are fitted for until you become fitted for the customs and ways of the country." And there are those

among them that will not accept anything but labor. They are not looking for anything else.

Mr. LEISERSON. Do you consider that you have the adequate machinery for securing many of these men employment?

Mr. GREEN. That depends upon what you mean by adequate machinery.

Commissioner O'CONNELL. You might bring that out—what kind of machinery they have.

Mr. LEISERSON. What is your whole scheme of distribution?

Mr. GREEN. Our scheme of distribution is this: We first secured our opportunities in the beginning. We began with at least 30,000 township correspondents over the United States; sent them postal cards and otherwise notified them of the division's organization, and through them let it be known to the farmers and other employers of help that the Government had organized this division. That brought in a number of inquiries that were taken up and followed up. We have a system of post cards that we mail and distribute through the courtesy of the Post Office Department to all the rural delivery routes. The carriers distribute the cards, one in each box that receives mail by rural delivery. This card states briefly that if they are interested in the securing of farmers or other help they should notify the department on the return mail card that is attached, and they will receive the proper blank. Then a blank form containing what we consider the proper questions to bring the right information is mailed to that man. That is bulletined. This is done from Washington. That is bulletined and sent to me in New York. From that data we give the information to the man that is looking to be placed—the applicant. First we register the applicant. In other words, we could try to ascertain what he is before we let him know what we have to offer. We have found that if you do not do that a great many of them will make themselves out farmers, when they know nothing of it. He is the sufferer in that case, for the farmer will not tolerate him any more than any other employer of labor would tolerate an unskilled mechanic who represented himself to be skilled. Having his qualifications on the one hand and the wants of the prospective employer on the other, we try to make them fit. It is a question, then, of finding out where the man is willing to go and whether the wage conditions, the class of the work, and the section of the country are pleasing to him. We make every effort to give him his way in everything, in order to prevent his being dissatisfied on arrival.

After he sees that this would suit him we give him a letter of introduction to his employer and write to the employer a certain man has stated a desire to work for him and that he is on his way. With the immigrants it is necessary, if they do not speak English, we have to go so far as to tag some of them in order that the conductors will know where to put them off the trains. That is not necessary with English-speaking people of intelligence. Those who come in and can read and write English, we will give the name and address of the employer and say to him to write to the man and see if he can come to terms, and to notify us as to the results. A few do.

Mr. LEISERSON. You have sources of information from about 30,000 correspondents?

Mr. GREEN. I suppose three times 30,000. Now, that was the original source. Now, the postmasters and most all the public officials all over the United States have worked with us.

Mr. LEISERSON. Yes; and despite all that the best you could do was to send 5,000 people to employment?

Mr. GREEN. No, sir; that is not the best we could do. That is all we did. There are some thousands of them that I would not direct.

Mr. LEISERSON. What we would like to get at is why you would not direct any more?

Mr. GREEN. In the first place, a great many of those who applied were not fitted for the work we had to offer.

Mr. LEISERSON. You mean there was no place in the United States for any kind of work they might do?

Mr. GREEN. No, sir; we do not claim that at all, because mechanical lines and trades we do not fool with.

Mr. LEISERSON. Why not?

Mr. GREEN. Because we believe there are organizations and things of that sort that have a pretty good equipment for that sort of thing, and there have been from time to time expressions made that they think it is not a part of the functions of the Federal Government to interfere in those things.

Mr. LEISERSON. Is that the attitude that your division has taken on this question?

Mr. GREEN. I can not tell you about the attitude of the division. I can only say that that is the impression that I have received from instructions which I have received. The attitude and the policy of the division you will have to get from Mr. Powderly, who will be here to-day.

Mr. LEISEN. The impression that you have received is that the placing and the distributing of semiskilled or skilled workers is fairly well taken care of, and that you are not to meddle with that?

Mr. GREEN. I would not say that; I want to say that is the impression I received. I only work with the bulletins they send me. I do not put the bulletins out. You will have to ask some one higher up.

Mr. LEISEN. You do not directly attempt to get in touch with the employers? But that comes to you through Washington?

Mr. GREEN. We solicit nothing.

Mr. LEISEN. Do you consider that a good way of doing business?

Mr. GREEN. I consider the proper way to do business is to do it in the way I am instructed to do it.

Mr. LEISEN. Leaving that aside, if you were establishing yourself an agency for distributing labor, would you do it in that way?

Mr. GREEN. That is a question. I don't know what I would do. I suppose if I were running an employment agency as the average one seems to be run, I suppose I would go for the dollar as long as I could keep out of jail. That seems to be their method.

Mr. LEISEN. Is it the general practice among reputable employment agents who are successful—is it the practice to do business in that way?

Mr. GREEN. I am not acquainted with the methods—that is, in that particular.

Mr. LEISEN. Can you give us any idea of what it costs to maintain your branch?

Mr. GREEN. Our branch?

Mr. LEISEN. Yes.

Mr. GREEN. The principal item of dollars is \$11,000 a year.

Mr. LEISEN. How many people have you working?

Mr. GREEN. Nine.

Mr. LEISEN. Nine?

Mr. GREEN. Nine persons. The number is due to a great extent to the fact that we have to cover so many languages. There are five or six men there because of their languages. Three stenographers and myself. The work, if you could have one man that would speak all the languages or two men that could speak all the languages, I could get along with less employees. When there is a great amount of correspondence, that requires more help, because the Government has its own peculiar way of answering all correspondence, regardless of whether it is of interest or not.

Aside from the salary, my allotment for expenses of running the office—I think my last allotment was only \$1,800 a year.

Mr. LEISEN. \$1,800 a year?

Mr. GREEN. Yes, sir.

Mr. LEISEN. That is a total of about \$13,000?

Mr. GREEN. Roughly speaking; yes, sir.

Mr. LEISEN. As a result of that you place about 5,000 people?

Mr. GREEN. As a result of that we give information to about 20,000 people each year. And of those that we give the information to, we have positive knowledge that about 5,000, an average of 5,000, receive benefit from it. How many of the others received the benefit I can not tell you. We have no way of telling, because they won't advise us.

Mr. LEISEN. Wasn't the original plan of the Division of Information to cover the whole country in the distribution of information and then directing the people to them?

Mr. GREEN. I think Mr. Powderly can answer that better than I can. Mr. Powderly is well acquainted with what was intended at the time the division was created, and I think he can answer that question more intelligently than I can.

Mr. LEISEN. Did you get a copy of our proposed plan of organizing a system of labor exchanges?

Mr. GREEN. Yes.

Mr. LEISEN. Will you give us your criticism of that?

Mr. GREEN. I don't know of any great—I haven't given it any study, particularly, but I don't know of any great changes which I would make in it, except

that there are a number of small details that you will have to work out. For instance, you have a lot of things prohibited, and that shall not be done, but you have no penalties. That is one of the principal things. It is in the minor details. They will have to be worked out.

Mr. LEISERSON. From the standpoint of the administration of that kind of a scheme, you have had experience now with administering a distribution office. I would like to know your ideas.

Mr. GREEN. I think the scheme is very practical, and I think it should be productive of splendid results. It is a thing that I have myself recommended time and time again, is a chain of branches for our division.

Mr. LEISERSON. What reason have you to believe that, after this plan is adopted, supposing it is, that at the end of 5 or 10 years we shall not be in the same position that your division is in now, only handling about 5,000.

Mr. GREEN. 20,000, I beg to correct you.

Mr. LEISERSON. I mean, giving information to 20,000.

Mr. GREEN. Yes, sir.

Mr. LEISERSON. But about 5,000 actual?

Mr. GREEN. You probably will be, if you work under the same restrictions—that is, having one distribution office—and then handle farm hands practically only and some few laborers. There was a period of two years that we handled absolutely nothing but agriculturists.

Mr. LEISERSON. Then your idea is that this kind of a bureau must have a free hand to handle all kinds of labor?

Mr. GREEN. Free hand and unlimited publicity.

Mr. LEISERSON. Have you any other suggestion to make in regard to the plan?

Mr. GREEN. No, sir. I think it is a very ably drawn plan. I think the plan is a good one, and I think that the only personal suggestion that I have is a chain of branches, you might call it. You would have to have headquarters, then subbranches reporting into this, to handle the country and territories, to avoid duplication of orders and duplication of work.

Another suggestion I would make is the adoption, in case you have this chain, a plan I would use, of having a subbranch send carbons of all correspondence, of all detail routine matters of the office to the branches each night. I do that in Washington; keep them all posted.

Mr. LEISERSON. That is all I have to ask.

Commissioner LENNON. I would like to ask you what you found to be the principal obstacle in the way of placing agricultural laborers and those who desire to farm on shares? Was it lack of means or what was it?

Mr. GREEN. Lack of means.

Commissioner LENNON. Then, in view of the fact that other people, aside from this commission, are studying the question of help in that direction, it would require the cooperation between the department formed of this character and of the financial help and the farmers. That would require some plan of cooperation between the two to make it most effective?

Mr. GREEN. I think that such cooperation would help, but I am under the impression that one of the greatest assistance would be to have some plan similar to that of the Canadian Government—of getting the kind of help and being able to move the people at the time they need it. For instance, you can leave Montreal and go to any point in Canada where farming is done, for harvestlag, for a nominal sum. It amounts to practically nothing. He pays the fare one way. When the harvest is over, if he can produce a certificate from any farmer in that region to the nearest railroad agent that he has worked 30 days in harvest time, he has his transportation back free. That is thoroughly practical, because the station agent knows all of the farmers immediately surrounding him, and he has to bring his notice from the farmer, who is personally known to the station agent, usually, so it can not be defrauded. That allows for the seasonal work; that is, harvesting and things of that sort. If such a thing were possible, to get a reduced rate to the farmer, and it is possible if you can get the legislation—I know that, because I have canvassed the railroads in New York, Mr. Brown, and the president of almost every railroad in New York City, I have interviewed them personally on the subject, and they are perfectly willing to establish what they call a laborers' rate, farm and other laborers seeking employment, at a reduced rate, but the Interstate Commerce Commission said it would be class legislation, and it was not adopted.

Commissioner LENNON. Then those are the principal problems that you came up against, transportation and the lack of means to help themselves when they got to the land?

Mr. GREEN. Yes. The one, lack of means, covers both cases, really. There seems to be a willingness on the part of the people to go to the work.

Commissioner LENNON. Do you believe that if those two things were covered that the number you could have handled and secured employment for would have been increased considerably?

Mr. GREEN. Perhaps trebled, especially to the Middle West.

Acting Chairman GARRETSON. Have you made any investigation of the existence of that industrial and agricultural rate in Canada?

Mr. GREEN. The only investigation I have made I wrote on and asked them to send copies of their circulars, and I have those circulars, and mailed them to Washington with this data I secured from the railroad. They have a large bulletin.

Acting Chairman GARRETSON. Did they have means to guard against the abuse of it, first the laborer himself, and then those charged with its issuance?

Mr. GREEN. By providing the certificate from the farmer.

Acting Chairman GARRETSON. There are other abuses that might come into it largely. You are aware that a rate of that kind could not exist here without governmental authorization?

Mr. GREEN. Of course.

Acting Chairman GARRETSON. Under the Hepburn Act?

Mr. GREEN. Yes, sir.

Acting Chairman GARRETSON. You haven't given any thought to the devising of a means to guard against abuses of that kind?

Mr. GREEN. Yes; I think I could devise a plan by which it would not be abused.

Acting Chairman GARRETSON. If you can, we will be glad to have you furnish it in written form.

Mr. GREEN. I will be pleased to do so; suggestions merely; the details of it will have to be worked out.

(Received.)

Acting Chairman GARRETSON. That is one of the things that seems to be a stumbling block.

Mr. GREEN. Yes; that is a stumbling block.

Acting Chairman GARRETSON. We desire, if possible, by intelligent means, to guard against it.

Mr. GREEN. Yes.

Acting Chairman GARRETSON. Maybe your experience has demonstrated—you talked about croppers. Has your experience given you any knowledge of whether the practice of cropping, this farming on shares, is largely decreasing or increasing, in general?

Mr. GREEN. I think it is decreasing, especially in the North. It is decreasing. In the South, it seems to be holding itself, but not as formerly.

Acting Chairman GARRETSON. To-day it is conducted on a different basis than it ever was.

Mr. GREEN. Yes; a different basis.

Acting Chairman GARRETSON. That is all, Mr. Green. Thank you.

TESTIMONY OF MR. FRANK B. HOMANS.

Mr. LEISERSON. Will you state your full name and your position?

Mr. HOMANS. Frank B. Homans. I established the Mercantile Reference and Bond Association, 387 Washington Street, Boston.

Mr. LEISERSON. Will you tell us when you established this agency?

Mr. HOMANS. Thirty years ago, about.

Mr. LEISERSON. What was its purpose?

Mr. HOMANS. To furnish mercantile help to the employer, and it was the first office of the kind, so far as I know, in the known world.

Mr. LEISERSON. What made you think there was a field for that kind of work?

Mr. HOMANS. I did not know whether there was or not. I knew there was a field for me to do business, so I did.

Mr. LEISERSON. What kind of business? Just what was your idea?

Mr. HOMANS. Simply to supply the merchants with their help. Boston is well known to be the most unreceptive city in the world for new ideas; consequently the hardest place to start it in, and our reception was a very cold one; for the first six months I did not turn a dollar, but I believed in the plan

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and stuck to it, and now the merchants are the most loyal in the world to the business.

Mr. LEISERSON. You have been in business for 30 years?

Mr. HOMANS. Thirty years.

Mr. LEISERSON. And how much business do you do? How many people do you place?

Mr. HOMANS. Last year we placed approximately 15,000.

Mr. LEISERSON. Almost all in mercantile lines?

Mr. HOMANS. Mercantile lines and hotels.

Mr. LEISERSON. You also have a hotel and restaurant clientele?

Mr. HOMANS. Yes; no nurses.

Mr. LEISERSON. No nurses?

Mr. HOMANS. No. Our business extends from California to Florida and Berauda to Nova Scotia.

Mr. LEISERSON. Are you regulated by the State of Massachusetts?

Mr. HOMANS. Certainly.

Mr. LEISERSON. And licensed?

Mr. HOMANS. Yes.

Mr. LEISERSON. And your experience is that it is necessary for the State to do that?

Mr. HOMANS. Absolutely.

Mr. LEISERSON. Will you give us your reasons?

Mr. HOMANS. Well, when I opened this business, the employment business, which was then restricted to the domestics, was in a most deplorable condition. And the rules and regulations at that time were not sufficient, and they were not lived up to, and I conceived the idea that the business could be raised to a high standard and all this fraud could be eliminated; and my 30 years' experience has proved that to be true, for there have been commissions established in New York and Chicago and Boston, who have made a canvass of the entire United States in this business, and they have all pronounced Boston the cleanest city in the United States for the employment business, and it is simply due to the fact that they can not do business on a crooked basis and live.

Mr. LEISERSON. Will you give us your reasons why you did not extend your business to the country labor branches?

Mr. HOMANS. Perhaps social reasons. I did not care to mix with it, and I do not think it is unlaible. You would have to open separate offices, and all that sort of business.

Mr. LEISERSON. You don't think the two can be run together?

Mr. HOMANS. Why, not successfully. That is, I would not consider it a nice way to do it.

Mr. LEISERSON. Do you think it is necessary that such a bureau be established to handle manual labor in each city?

Mr. HOMANS. I don't think I get that question.

Mr. LEISERSON. Do you think that it is necessary that there should be a bureau for bringing manual laborers in touch with the jobs in the same way that you bring mercantile help?

Mr. HOMANS. I think it would be very nice to have it.

Mr. LEISERSON. Well, do you think it performs a service that is worth while? That justifies the expense?

Mr. HOMANS. You are speaking now about your plan, I suppose?

Mr. LEISERSON. No; any plan.

Mr. HOMANS. Well, justifies the expense in my own case, and I presume it would in every other.

Mr. LEISERSON. Well, would it in manual branches?

Mr. HOMANS. Well, I suppose, I know they do, because they make more money than I do, but I don't know the methods of making money in that line of business.

Mr. LEISERSON. Can you give us an idea of the fees you charge in your agency?

Mr. HOMANS. We charge one week's pay for a permanent situation. That is a flat rate to everyone. If the situation terminates inside of six weeks, we take one-sixth of the amount earned during the time of service. Should it extend over that, why, we have no interest in it.

Mr. LEISERSON. Are there any other agencies in Boston that handle the same kind of work that you do?

Mr. HOMANS. There are 122 agencies in Boston, domestic and mercantile, and 30 of those offices have two licenses—what they call a first and second class—

for handling mercantile and domestic, both. Of course, they do handle the domestic and mercantile both in one office in a great many cases. There are only 7 exclusively mercantile offices in the city, the rest, the 29, have the both kinds. And then there are 65, I think, or 70, that only handle domestic and laborers.

Mr. LEISENBERG. You say you charge a week's pay for a permanent position. Do you think the service that you render is worth that amount?

Mr. HOMANS. Why, I know that it is.

Mr. LEISENBERG. Don't you think the people could find the jobs on their own account?

Mr. HOMANS. Yes. I want to make this statement: That all the free offices in the United States, together with the private offices, and all the labor unions put together, never touch the unemployed. That condition, and that is the condition I think you are trying to get at—they don't all of them put together really touch the situation. That is quite a broad statement, but it is absolutely the fact. Your plan will never touch the unemployed, on the plan that you have drawn up.

Mr. LEISENBERG. Will you just give us your reason for that?

Mr. HOMANS. The unemployed is the man out of work. When you have secured a man a position, he is not out of work. I say, without any egotism I think the plan which I established 30 years ago—and by the way, I will say this: That I established the terms and plans 30 years ago. There have been a great many changes in the police commission since then, and they have all tried to improve those terms. There have been a great many changes in the licensing board, and each new licensing board has tried to change it. There have been a great many changes in the legislature which changes every year, and for 23 years they have persistently tried to make a different set of terms and rules than I have got, and they have never yet been able to budge them a whit from what they were 30 years ago, and I told them they could not, and I told them to-day that they can not because they were built and established on the golden rule, and you can't find a better one. And for that reason people come to us and want to get help, and love to come, and I have never had a complaint in 30 years.

Mr. LEISENBERG. You made the statement that your agency or any other employment agency does not help the unemployed. We would like to know what you mean by that.

Mr. HOMANS. I will tell you what I mean. To reduce it down to a small statement, we will say that there are 100 vacancies in New York City to-day. Of course there are 10,000. There would be not less than 10 men or women for every position. Now, then—

Mr. LEISENBERG. Pardon me. Do you mean in the mercantile line?

Mr. HOMANS. I mean in any line.

Mr. LEISENBERG. In any line?

Mr. HOMANS. Yes; any line.

Mr. LEISENBERG. Would that be true in common laborers?

Mr. HOMANS. I think perhaps more so.

Mr. LEISENBERG. Were you here when the statement was made by Mr. Carpenter that under ordinary circumstances they could not get enough help?

Mr. HOMANS. That applies in my business and everyone's business. It is not because they can not get enough help; they can get enough people dressed in pants and coats and dresses, but they are not fit to work, and they don't want to work. But to come back—

Mr. LEISENBERG. (Interrupting). Your idea, then, is that there is always an oversupply of labor, but at the same time there are positions open which the unemployed do not fit into?

Mr. HOMANS. Do not fit into. For instance, I have to-day probably 2,000 orders for help on my book. I had Monday morning, before lunch, come into my office over 2,000 people, which we talked to in the proper manner. And out of the 2,000, probably 2,500, perhaps 3,000—but to be conservative I will say 2,000—out of the 2,000, we did not place over 60 people; and yet we had over 2,000 orders. That was simply because they either did not want work or were not fitted for the position.

Mr. LEISENBERG. Well, which would you give as the main reason? Is it because they did not want to work or because they were not fit?

Mr. HOMANS. Just about half and half.

Mr. LEISENBERG. Well, why did they come to your office if they did not want the work?

Mr. HOMANS. That is a question that no man has ever been able to solve.

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Mr. HOMANS. Yes. I want to make this statement: That all the free offices in the United States, together with the private offices, and all the labor unions put together, never touch the unemployed. That condition, and that is the condition I think you are trying to get at—they don't all of them put together really touch the situation. That is quite a broad statement, but it is absolutely the fact. Your plan will never touch the unemployed, on the plan that you have drawn up.

Mr. LEISENBERG. Will you just give us your reason for that?

Mr. HOMANS. The unemployed is the man out of work. When you have secured a man a position, he is not out of work. I say, without any egotism I think the plan which I established 30 years ago—and by the way, I will say this: That I established the terms and plans 30 years ago. There have been a great many changes in the police commission since then, and they have all tried to improve those terms. There have been a great many changes in the licensing board, and each new licensing board has tried to change it. There have been a great many changes in the legislature which changes every year, and for 23 years they have persistently tried to make a different set of terms and rules than I have got, and they have never yet been able to budge them a whit from what they were 30 years ago, and I told them they could not, and I told them to-day that they can not because they were built and established on the golden rule, and you can't find a better one. And for that reason people come to us and want to get help, and love to come, and I have never had a complaint in 30 years.

Mr. LEISENBERG. You made the statement that your agency or any other employment agency does not help the unemployed. We would like to know what you mean by that.

Mr. HOMANS. I will tell you what I mean. To reduce it down to a small statement, we will say that there are 100 vacancies in New York City to-day. Of course there are 10,000. There would be not less than 10 men or women for every position. Now, then—

Mr. LEISENBERG. Pardon me. Do you mean in the mercantile line?

Mr. HOMANS. I mean in any line.

Mr. LEISENBERG. In any line?

Mr. HOMANS. Yes; any line.

Mr. LEISENBERG. Would that be true in common laborers?

Mr. HOMANS. I think perhaps more so.

Mr. LEISENBERG. Were you here when the statement was made by Mr. Carpenter that under ordinary circumstances they could not get enough help?

Mr. HOMANS. That applies in my business and everyone's business. It is not because they can not get enough help; they can get enough people dressed in pants and coats and dresses, but they are not fit to work, and they don't want to work. But to come back—

Mr. LEISENBERG. (Interrupting). Your idea, then, is that there is always an oversupply of labor, but at the same time there are positions open which the unemployed do not fit into?

Mr. HOMANS. Do not fit into. For instance, I have to-day probably 2,000 orders for help on my book. I had Monday morning, before lunch, come into my office over 2,000 people, which we talked to in the proper manner. And out of the 2,000, probably 2,500, perhaps 3,000—but to be conservative I will say 2,000—out of the 2,000, we did not place over 60 people; and yet we had over 2,000 orders. That was simply because they either did not want work or were not fitted for the position.

Mr. LEISENBERG. Well, which would you give as the main reason? Is it because they did not want to work or because they were not fit?

Mr. HOMANS. Just about half and half.

Mr. LEISENBERG. Well, why did they come to your office if they did not want the work?

Mr. HOMANS. That is a question that no man has ever been able to solve.

for handling mercantile and domestic, both. Of course, they do handle the domestic and mercantile both in one office in a great many cases. There are only 7 exclusively mercantile offices in the city, the rest, the 29, have the both kinds. And then there are 65, I think, or 70, that only handle domestic and laborers.

Mr. LEISENBERG. You say you charge a week's pay for a permanent position. Do you think the service that you render is worth that amount?

Mr. HOMANS. Why, I know that it is.

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Mr. LEISENBERG. Do you make any investigation of the places you send people to, as to whether the conditions of employment are good, or as represented?

Mr. HOMANS. I would not say that we did, except our New York conditions. Of course we know every hotel in the country almost; that is, that hire help throughout. We know all the firms in New England that hire help from us. There might be changes, there might be new firms.

Mr. LEISENBERG. You have no regular system of inspecting places to work?

Mr. HOMANS. No, sir.

Mr. LEISENBERG. That is all.

Acting Chairman GARRETSON. That is all.

Mr. HOMANS. Do you want to hear my criticism on this proposed plan?

Mr. LEISENBERG. If you have anything to develop briefly; otherwise we would prefer to have it in writing.

Mr. HOMANS. I will submit it in writing, then.

TESTIMONY OF MR. TERENCE V. POWDERLY.

Mr. LEISENBERG. You are Chief of the Division of Information of the Bureau of Immigration?

Mr. POWDERLY. Yes, sir.

Mr. LEISENBERG. How long have you been in that business?

Mr. POWDERLY. Since July 1, 1907.

Mr. LEISENBERG. Is that when the bureau was organized?

Mr. POWDERLY. When the division was organized.

Mr. LEISENBERG. Can you tell anything as to the ideas that led to the organization of the division and what the purpose of it was?

Mr. POWDERLY. I don't know that I could do that, because that was the idea—the idea of the commissioner general at that time, Mr. Sargent; he believed that the incoming immigrants should be met on arrival and informed of the conditions in this country and then directed to places of employment. He and I had talked it over before he recommended it, and I know that was his idea.

Mr. LEISENBERG. And you started out in organizing the division with that purpose in mind?

Mr. POWDERLY. With that in mind, and with the purpose of ascertaining from different parts of the country—from all parts of the country—what the conditions of labor were and where these immigrants would fit in. The law said that the information which we collected should be given to admitted immigrants who might ask for the same, and to such others that might desire it. The trouble right there was that the immigrant landing in this country could not be expected to ask for what he knew nothing about. So we had to tell him—to meet him and tell him.

Mr. LEISENBERG. You were able to overcome that defect in the law through the aid of the Secretary and the department?

Mr. POWDERLY. In a measure; yes.

Mr. LEISENBERG. Now, as the result of your close to seven years' experience, would you say that that purpose has been accomplished by your division?

Mr. POWDERLY. It has not.

Mr. LEISENBERG. Will you give us the reasons why it has not?

Mr. POWDERLY. In three words—lack of appropriation.

Mr. LEISENBERG. You think the lack of money was the only reason?

Mr. POWDERLY. Not the only reason, but that was the principal reason.

Mr. LEISENBERG. Well, what were the others?

Mr. POWDERLY. Well, the others would be lack of sufficient force and lack of cooperation with the State departments of labor and immigration and of agriculture and of the trades-unions.

Mr. LEISENBERG. You think the trades-unions interfered with your carrying out the purpose?

Mr. POWDERLY. No; they did not interfere. The only purpose they had in view was to carefully scrutinize the work of the division to see that it did not send the men to where they should not go, and that they should not be sent to places that were not profitable, or to employment that was not profitable. We found instances where employers would be very glad to dismiss all their men and have the division of information send these men, these freshly arrived immigrants to them for less money per day.

Mr. LEISENBERG. Well, you would not have considered that a purpose of your bureau, in the first place, to supply immigrants to take the places of others, would you?

Mr. POWDERLY. The law says the duty of the Division of Information is to promote a beneficial distribution of admitted aliens and others; and when you send a man to take another man's place for less money than that other man had, or to take the place of a man who is on a strike for more money, or against some act that he does not concede to be right, that would not be a beneficial distribution of aliens or of anybody else.

Mr. LEISEBSON. Then you do not think there is any vital defect in the idea upon which the division was organized?

Mr. POWDERLY. No.

Mr. LEISEBSON. That, in so far as the trades-unions objected to your sending men to take other people's places, it is not interfering with the work of the division because the division would not do that; is that the idea?

Mr. POWDERLY. We would not do that. But let me have a word of explanation. Very early in our work we encountered opposition of the employment agencies, and one of them was shrewd enough to circulate a rumor, and they did it through the industrial organizations, that the Division of Information supplied a firm with workers and that it was an unfair firm. Then it also notified the trades-unions that we were doing that. We investigated—both sides investigated—and found there was no truth in it, but it served its purpose, because it received wide publicity at the time.

Mr. LEISEBSON. Did you go over the plan of organizing a society of labor councils?

Mr. POWDERLY. I deferred that. I was a little bit misled by the letter I got. I got the idea I was to look up the subject of mediation and arbitration, and made a lot of notes on that; and then I laid them away on my desk. Then I got the letter the last Saturday, and then I was obliged to take the train immediately after getting the letter, so I had no time to look it over carefully.

Mr. LEISEBSON. You have a plan of your own, as I understand, that you have made public several times, for extending the work of your division through the post office in some manner, have you not?

Mr. POWDERLY. Some years ago I recommended to the Secretary—three years ago, I believe—that inasmuch as the Weather Bureau collected information each day concerning the condition of the weather, and was able to notify not only the people of this country, but certain parts of the world as well, that there was no reason why the Department of Commerce and Labor—as it was then—should not know the condition of labor at the end of every 24 hours. I was met with this objection, that it would cost money. From my standpoint money can not be expended for a better purpose than keeping people profitably and constantly employed. So that I thought we ought to have the reports sent to the department or Division of Information, or whatever it may be called, just as often as possible, as to the conditions; and that in connection with the Post Office Department there should be a clerk assigned to duty in each one of any towns of prominence at all, whose duty it would be to keep a record of men unemployed, and of men who desired workmen. It would take two card-index cases. And if John Smith is dismissed this morning, or his work ends this morning, nothing more for him to do—call him a carpenter or a blacksmith, a village carpenter or blacksmith, or a worker of any other kind—he immediately goes there and registers, giving his name, occupation, and residence, what he can do, and what he expects to get for his labor. Tom Brown wants a man of that kind, because a man of just that character left him this morning. He is an employer, and he comes to the post office and registers his wants. While he is there he looks over the list of the workmen seeking employment, and he finds Smith. The data answers his purpose. He has his address, and either sends for him or writes him. Smith need not be out of work over 24 hours, and Brown need not be in need of a workman over 24 hours; and in neither case is it necessary to have a man come from out of town to take the place.

Now, that being done, there is no need of sending to another city or town a record of the unemployment of John Smith, neither of the fact of the employer needing some one. That need not be sent out of town. That is one case.

But there are numberless instances where men are wanted for certain large work, public work, or something of that kind, and they can not be supplied in the town. Then, through the State bureaus of labor or agriculture, all that kind of thing—and they have all signified their willingness to cooperate with the Federal Government; in fact, I called a meeting of them in Washington two years ago last November, and there were 34 States represented by delegates or representatives; and we had letters from all of the other States where they had agricultural bureaus or departments, or immigration bureaus. They all signi-

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fied a willingness to cooperate with the Government in the work of ascertaining where there were places for men, and we could ascertain where the men were to send them.

Mr. LEISENBERG. You think it is as simple a proposition as that—to have a clerk—

Mr. POWDERLY (interrupting). Well, that is; of course—

Mr. LEISENBERG (interrupting). A bureau to do that, or would it not require a rather elaborately organized employment office, with specialists in fitting the man to the job in each city, to collect in their men from the country around there, for example, as Mr. Homans testifies here, that there were 2,000 people needed for a certain class of jobs, 2,000 jobs, and more than 2,000 applied; but that in all that number he could not fill but 60; now, unless you had a man of Mr. Homans's character and with all his clerks, who are trying to fit the man to the job, the word would go out that they needed 2,000 men, say, in the city of Boston, and you might have 2,000 more coming, of which not more than 60 would be able to get the positions, so that in order to supply the accurate information you would have to have an elaborate organization—an employment office along the character described by Mr. Homans?

Mr. POWDERLY. You would have, of course, to have a larger force than I indicated or referred to in the beginning.

Mr. LEISENBERG. Could you do it through the post office?

Mr. POWDERLY. We could do it through the post office; yes.

Mr. LEISENBERG. Would it be possible to develop in a city of the size of Boston, in order to handle 15,000 people, for which you would need 40 clerks, would it be possible to develop the work on a scale that would really make itself felt in handling the unemployed—on a scale large enough to do that?

Mr. POWDERLY. I was not thinking of a city like Boston, or New York, or Philadelphia, but of the smaller places, when I recommended that; and in addition to that I should recommend that there would be a branch of the employment or information division in each large city with a staff sufficient to cope with the circumstances.

Mr. LEISENBERG. Then, your idea is that all the larger cities would have regularly organized employment agencies similar to those in the division?

Mr. POWDERLY. Yes.

Mr. LEISENBERG. And in the smaller towns there would be agents who might be placed in the Post Office Department?

Mr. POWDERLY. Yes.

Mr. LEISENBERG. Have you any other suggestions to make along this line for the ordinary—

Mr. POWDERLY (interrupting). Of course, you will understand that my work for the last six or seven years has been among immigrants. Our own citizens, though they come in and ask for information, but yet as a rule they know how to get it without coming to us very much. Still we are able to supply a great many of them information. In fact, we have done a little of that, and it is growing every year. But I do not favor the idea of letting the immigrant come into this country the way he is coming at the present time without a single iota of knowledge of the conditions.

Mr. LEISENBERG. Let me get your idea. You would have this information that came through the employment offices—

Mr. POWDERLY (interrupting). No.

Mr. LEISENBERG. To go abroad?

Mr. POWDERLY. No.

Mr. LEISENBERG. You would restrict immigration?

Mr. POWDERLY. Now, don't put that word "restrict" in, or "educational" in, or anything of the kind. I am an employee of the Federal Government, and I do not want to have a Member of Congress tell me I am interfering with his business. What I have in mind is this: That before a man starts for this country he ought to declare his intentions there as to what he is to do in this country. We have men coming direct from the farms who know nothing about anything else in the Old World—and they are going into the coal regions, and they are sick at heart before they are there a week. And I have gone into the mines and talked to them, and I have gone into their homes and talked to them. I made a practice of doing it every year and would have done it this year if I had been strong enough after an attack of grip, and, indeed, expect to do it yet. Now, pardon me—there are consular agents and agents of the Government all over Europe. These people should be required to state what they can do before they leave their town, and the condition of health, and

should secure a doctor's certificate, and all that. It would avoid the sending back of those men who come here and are declared to be unfit even before they set foot on American soil, and would spare them a great deal of misfortune. I recommend that. You may think it is not practical, but I believe, however, that some day or other it will be done; that at each station we should have a fitting station as well as an immigration station inland; a fitting station where they might be detained, and that they should not be allowed to go away from there for at least 10 days or 2 weeks—until they have demonstrated just what kind of work they can do. It will cost money, of course, but it is costing us a great deal of money to-day in unfit citizenship that we have to deal with. In such a fitting station we could find out what every man could do. I have talked with the people of California, and they are about to establish one there, and they are going to ask the Federal Government to permit the immigrants to stay there a couple of weeks until they can test their capacity before they are permitted to go haphazard throughout the country. Then they may come to friends, and if they have friends to go to, why, I don't think, perhaps, we could restrain them; but another thing, we should bear in mind there; that is, the friend can not keep them always, and whenever the money they have is worn out or expended their welcome is worn out, too. We should bear in mind that the welfare of this country is involved, and when one man stands looking for another man's job in this country it is dangerous to all the people.

Mr. LEISENBERG. In order to make an intelligent statement as to the kind of work the immigrant wants to go into in this country, in order to make that statement abroad, wouldn't you have to furnish him information as to the opportunities in this country abroad?

Mr. POWDERLY. I could tell him on shipboard. I would not tell him beforehand, because that would stimulate him. If he has made up his mind he is coming, he is coming.

Mr. LEISENBERG. In giving the information, wouldn't you have to give information as to whether there are opportunities or not?

Mr. POWDERLY. Why don't you have him give information as to what he can do? I would try him on that before he would be sent inland.

Mr. LEISENBERG. Wouldn't you suggest that if he wants to go into a line of work that happens to be depressed in this country at a particular time, or overcrowded, that he be not permitted to come?

Mr. POWDERLY. That would be another matter, but I would tell him that conditions were not what they ought to be.

Mr. LEISENBERG. Wouldn't you have to have your information in regard to the condition of employment in this country told to the immigrants abroad, when they wanted to make their choice?

Mr. POWDERLY. I doubt the wisdom of that, because they will come anyway. They look on this as the land of promise, and they are coming.

Mr. LEISENBERG. That is all I have to ask.

Chairman GARRETTSON. Do you desire to ask him any questions, Mrs. Harri-

man?

Commissioner HARRIMAN. Mr. Powderly, is there some such arrangement as Mr. Leisenberg spoke of now in the Canadian law? I mean don't they have the people examined before they leave the other side?

Mr. POWDERLY. They do more than that; they send people over to scour two or three countries, but they are very careful where they get immigrants from. They won't take them from all countries, but those that they do ask to come come from the British Isles principally. They do not put them to a very severe test, but they simply question them. Of course, they speak the same language. They know about what to expect of them when they come into their offices. They have a very good law over there; that is, I think it is; I won't say that it is a good law, but you will understand why I think it is a good law. When the agents of the Government in Canada report that the labor market is overcrowded and that they should not come in numbers any more, the commissioner of immigration and the department of labor in Canada is authorized to suspend immigration for a certain period.

Some such law in this country would not be a bad one to have, because we know that men are being deceived as to conditions in this country every day, and they come here to find that they are grievously disappointed. I don't know how we could do it, unless it would be that the Department of Labor should ascertain the conditions in some way such as I have indicated and then by proclamation on the part of the President suspend immigration for a stated

time. Some such plan as that would work, I think. But that is just a new thought to me now, or a few days ago, and I would not want to express that as an opinion, or such an opinion as I would agree with later, or such as I would advocate. But it looks like a good thing.

Commissioner HARRIMAN. Isn't Canada getting a high grade of immigrants?

Mr. POWDERLY. She thinks she is. Some of them who come over to us are not such a high-grade class. They stay there for a while and then come across here. The idea is erroneous that all good people are going to Canada and staying there. A lot of the good people are going to Canada and come over here every year. I have been in correspondence with a number of them, telling them that it would be just as good to seek a better climate in the first place, and that they should ask before going to Canada. We have pamphlets in regard to that.

A man named Spencer took his family to Alberta—no; north of it—and I knew him personally. I met him a year afterwards in this country. I asked him if he was back on a visit, and he said, "No, I am here to stay." "I thought you were not going to come into the United States any more," he said, "I didn't think I would myself." "What is the trouble?" He said, "Nine months of the year are winter and the other three are so darned late in fall that it is mighty uncomfortable." He said, "Can you do anything for me?" I sent him to Georgia. He owns a farm in Georgia now. He should have gone there in the first place, and he would have saved money by so doing. I am not booming Georgia at all; I don't want to do that, especially in the presence of people from Wisconsin. But some place in the United States is good enough for him.

Commissioner LENNON. Mr. Powderly, do you believe that any of these attempts by legislation to get the men connected up with the job is in a measure a solution of the problem of the unemployed?

Mr. POWDERLY. Hardly. I know a man here who is bigger than any one of you, excepting, possibly, your chairman, Mr. Garretson, and I guess he would fill out a bigger suit of clothes crossways than Mr. Garretson; I can get the man a job and he would not take it, and no matter what it would pay him. He won't work. I make it a practice every winter to go on the bread line here in New York City.

Commissioner LENNON. You get hungry once a year?

Mr. POWDERLY. I get my coffee and my bone just the same as the other tramps once a year here in this city, and I meet men who won't work—a few—I have tried them. I meet those who are sick and can not work, those who are injured and are just recovering, men who are too old to work, and I meet the middle-aged men who, by reason of our present system, are thrown out at a certain age or if they get out at a certain age they can not get back in again over that age. I do not blame those men for being on the bread line, if they want to save a little for their families. But I meet men on the bread line—a few—that if you would offer them the choicest job, the highest-priced position in the world, they would not work at it. Unemployment among that class you can not solve at the present. I think it would take a surgical operation to do it.

Commissioner LENNON. Are you prepared to perform the operation?

Mr. POWDERLY. I am not. But I am in favor of having some test made of men who are idle and who will not work. Of course, the number is very few, and I do not blame them. There is some condition in life that has caused it.

Mr. LEISEN. How can you find out whether they won't work or not?

Mr. POWDERLY. I have given them the addresses of men who wanted workmen just to see, and I went there in the morning to meet them and they have not come. I have had such an experience with men that I have been told that I ought to be a good judge of character. I am. Out of 12 men I won't be deceived in over 11.

Chairman GARRETSON. That is very close.

Mr. LEISEN. That is to say, you need an agency like an employment office that will offer people work that they can do in order to test, on a large scale, whether men won't work?

Mr. POWDERLY. I had not thought of that.

Mr. LEISEN. How can you test, if there are 100,000 unemployed in the city, what number of them want work and what number of them will not work, unless you have an agency for offering work to those who want work?

Mr. POWDERLY. That was in answer to a question that was put to me, so I gave that off hand. That was a curbstone opinion.

Commissioner O'CONNELL. The free employment agencies—what effect have they upon the area that will not work in securing?

Mr. POWDERLY. You mean under State auspices?

Commissioner O'CONNELL. Your opinion as to the difference between the Government controlling the proposition free and a private agency that charges?

Mr. POWDERLY. I believe every private agency should be, if it sends workers across the State lines, should be under the jurisdiction of the Department of Labor or obliged to report to it, anyway, and it should also be under the jurisdiction of the State, which cooperates with the Department of Labor.

Mr. LEISENSON. The question, as I understood it, Mr. Powderly, was this: So far as the effect on unemployment is concerned, which is handling the proposition the better, the private employment agent that charges a fee or the State free employment office?

Mr. POWDERLY. The State. I am not favorably impressed with the private employment agencies. One case—nine Croftians were sent from Chicago to Missouri by a private employment agency. Not knowing our methods of travel, they had transportation there and money to pay it themselves. When they got there, through some arrangement—I was never able to get the evidence that would prove collusion—but they worked just about a week and were thrown out of employment and another set of men were sent on from Chicago to take their places and those nine men walked backed to Chicago. We got that evidence. We followed the others up. I have not a very high opinion of our private employment agencies. They want the fee.

Mr. LEISENSON. From your experience in this division of information, you speak on that?

Mr. POWDERLY. From my experience I am warranted in saying that I do not regard them as strictly honest in their dealings with men or employees.

Mr. LEISENSON. A private employment agency, as a means of bringing the men and the job together, is not the proper agency, is that your view of it?

Mr. POWDERLY. I don't think so. My experience would indicate that the main object is to bring the employment agency and the \$2 fee of the man who wants a job together.

Mr. LEISENSON. You would suggest, then, that the necessity for establishing State or national agencies to take care of them is here?

Mr. POWDERLY. Undoubtedly.

Commissioner BALLARD. You said the average immigrant in his home looks upon this country as a land of promise. Is that because his relatives have written him that this is a glorious country and they are doing well, or is it because of the rather attractive advertisements of the steamship companies?

Mr. POWDERLY. I have seen the attractive advertisements of steamship companies very rarely in Europe, but I have seen some. I have read letters from relatives, but there are numbers of men who go back to the old countries, and they are not all under oath when they go, not strictly obliged to stick to the truth when they get there; they have good clothing, look well, have money in their pockets, and blow like all creation about what America can do.

That stimulates others to come. The steamship company does its work through its agent, but not so openly as heretofore. I could take you to Scranton, a man there, unfortunately he was killed in a mine not long ago, and a man who had more relations in Minooka than Adam could claim if he could come back on earth now and look them all up. He would write over for a cousin, an uncle; he would have cousins and uncles. He did not bring in any of his female relations, no aunts that I know of, but he had uncles and cousins in all adjoining towns of Lackawanna. He acted for the corporations, and they were all instructed before they came here what kind of a mark they were to see on him when they came. When they got here, they could describe their uncle in a minute, as having a blue mark over that eye, with other distinguishing features. He must be a relative, because he tells all about it. To my own knowledge he had over 50 cousins. I looked them up at one time. I did believe there was a certain percentage of race suicide in Europe as compared to that in this country, but my ideas were dissipated when I ran across this case.

Commissioner LENNON. That is a case of the employer getting his employee to bring laborers over to him?

Mr. POWDERLY. Yes, sir.

Commissioner LENNON. That would make three sources of supply the employer had? Getting them from the steamship companies and from the immigrants who told their friends about this country—

Mr. POWDERLY. Yes, sir; and the letters sent abroad. I saw a letter in Southern Italy, a letter that had gone to some 24 miles of different little towns and had been read by one man to the people who were assembled in a certain house on a certain evening to hear that letter read and hear about the conditions.

Commissioner LENNON. You saw it?

Mr. POWDERLY. I saw it.

Commissioner LENNON. Your predecessor spoke of the immigrants when they had here having the absolute necessity of going to work here because they had borrowed money to come. Doesn't the law require that each immigrant have a certain sum of money?

Mr. POWDERLY. No; it does not require that he shall have a certain sum of money. It should show, I believe, that he is possessed of \$50. I am not familiar with that, as I am not dealing with that part of it. There is a better way. Am I taking your time?

Commissioner BALLARD. Not mine.

Mr. POWDERLY. I will relate one instance when I was Commissioner General, and then I will stop. When I was Commissioner General here some years ago, I was at Ellis Island, or rather at the Barge Office, because our work was done there at that time. I heard an outcry and asked what the matter was, and they said, "This young man out here objects to being sent back; we are to deport him." "Why?" "He is without money. He has no friends in this country and he can not speak a word of English." "What is he?" "German." "Bring him in." He came in. He had a loose woollen shirt, belt, no vest, coat, and soft hat in his hand, blond moustache, blue-eyed, strong, strapping looking fellow. I asked him his name and he told me. I said, "Take off your coat." He had heard about this country. I suppose he thought I wanted it. He took it off reluctantly. I asked him to roll up his sleeves, which he did. I went through the motions to indicate what I wanted him to do, and also spoke to him through an interpreter, told him to double up his arm, and felt of his muscle. I said, "Don't send him back." "But the ship is waiting." I said, "There will be another." I wired to a friend of mine, Conrad Schrader, a German. I asked him if he could find work for a German who had no money. He telegraphed back to tag and send him. I did so, and the man is a foreman to-day and has one of the responsible positions up there. He had no money. Had he been sent back it would have been a loss to this country. He took no man's place, and I knew he would not. So you can not test by looking at a man or feeling his pocket as to whether he is good or not.

Commissioner BALLARD. I thought that by law he had to have a certain sum.

Mr. POWDERLY. No. As I said, I am not familiar with the amount.

Commissioner BALLARD. That is all.

Acting Chairman GARRETSON. Mr. Powderly, the statement has been repeatedly made this morning that a measure of this character would not in any way touch the problem of the unemployed. In your opinion, would a plan general in its character—I am not referring to the specific provisions of the plan—but a plan of that character, would it exercise a desirable influence in connecting the positions that may be open, the opportunities for work with the man who wants to work?

Mr. POWDERLY. Most undoubtedly.

Acting Chairman GARRETSON. Could any plan be devised that will make a man who does not want to work, work, whether or no, except the thumbscrew?

Mr. POWDERLY. I don't know of any that will.

Acting Chairman GARRETSON. Take the type of man that you described.

Mr. POWDERLY. No, sir.

Acting Chairman GARRETSON. No position could be made attractive enough for him?

Mr. POWDERLY. I don't know of anything that could be. I speak from a limited acquaintance with him. You know in the labor movement I never meet loafers.

Acting Chairman GARRETSON. One other question. You referred to the attitude of the labor unions and the employers toward the division. Is it not a fact that efforts were made to utilize the division when it was first organized, for just the purpose you named, to replace men?

Mr. POWDERLY. No, sir. I have no knowledge of it. There was a question raised of that kind at one time, that the men coming over should be directed to it, and that we should be notified or rather apprised of vacancies here and there by corporations who wanted men, and these men notified to come to them, but when it came to such large numbers, it struck me it was a bad plan.

Acting Chairman GARRETSON. I probably phrased the question unfortunately. I will put it in another way. Did you or did you not have reason to believe that effort was being made to use the department for the displacement of men with immigrants at a lower wage in some instances?

Mr. POWDERLY. No, sir. I have never heard of a single case. I have heard rumors of it, but when I investigated I found there was nothing in it.

Acting Chairman GARRETSON. I have heard a few cases cited.

Mr. POWDERLY. Yes, sir; but I have looked them up.

Acting Chairman GARRETSON. Two came under my personal attention is why I asked the question.

Mr. POWDERLY. That was not true, though. We went to the bottom of it and found it was not true.

Acting Chairman GARRETSON. That is all, Mr. Powderly. Thank you.

Mr. LEISERSON. I will call Mr. Carroll.

(No response.)

TESTIMONY OF MISS ANNA HERKNER.

Mr. LEISERSON. Will you state your name, please, and your occupation?

Miss HERKNER. Miss Anna Herkner; assistant chief of the bureau of statistics and information in Maryland.

Mr. LEISERSON. Assistant chief of the bureau of statistics and information in Maryland?

Miss HERKNER. Yes.

Mr. LEISERSON. Miss Herkner, the point was brought out here yesterday several times that there were many men among the unemployed who were unemployable, who did not want to work, and that one of the reasons was that conditions in the camps have manufactured those kind of unemployable men. Have you any material that would tend to show that conditions of employment for children would have any bearing on this question? Will you state, first, just what your duties are in regard to children?

Miss HERKNER. The Maryland Bureau of Statistics and Information shows the employment certificates given to the children in Baltimore—Baltimore city—that work in the industries in Maryland has centered for the most part in Baltimore city.

December 1, 1912, a new child-labor law went into effect, which required a new employment certificate for every new position. This gives an opportunity to regulate children in industry and to collect information about the changes they make in their positions.

In 1913, some 6,504 children entered regular industry. That is, children 14 to 16 years old. Of those 3,590, I believe, or nearly 4,000, two-thirds, changed positions within the year.

This year, to date, there have been 2,500 or more certificates issued, and 1,400 or more of those children have changed positions.

Mr. LEISERSON. Just a moment; this year from January to May?

Miss HERKNER. Yes.

Mr. LEISERSON. Two thousand five hundred certificates were issued to children between 14 and 16?

Miss HERKNER. Yes, sir.

Mr. LEISERSON. To permit them to go to work?

Miss HERKNER. Those were original and subsequent permits.

Mr. LEISERSON. During this same period of four months 1,400 of those have already changed their positions?

Miss HERKNER. One thousand four hundred of those children changed positions. May not have been those same ones, but there were that many changes of occupation among the children.

Mr. LEISERSON. Can you give us any of the reasons why they changed?

Miss HERKNER. Yes, sir. We get the reason from the employers; we get the reasons from the children. In general, children can not analyze very intelligently what the matter is with the job, and the inclination on their part is to say they do not like the job, or they want a better one. As far as it is possible we try to get down to a more definite reason. There are some objections to hours, for we have practically an unlimited day for children to work in. There are still more objections to some feature of the industry. The work is either too hard, it is too heavy; they are asked to work on machines that they are afraid of, or in the tin-can and tin-box industries; the tin cuts their hands. In the needle trade, in the small, dark shops, the industry is hard on their eyes.

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Sometimes it is too much standing, as errand boys and girls. In large establishments there is too much running up and down stairs all day long. I have those classified in my table. Those are the general ones as I think of them.

Mr. LEISENSON. Can you summarize what your tables say on that?

Miss HERKNER. The work this year gives more attention to the change of children in industry. I am not going to speak for the tables for this year; just for the first four months of the year.

By far more of the children leave of their own accord than are discharged. The reason for children leaving as we find it in Maryland is due to the child's dissatisfaction with the job, rather than the employer's dissatisfaction with the child. The child probably leaves before the employers have a chance to be dissatisfied with them.

Mr. LEISENSON. Can you give the relative figures—the number that are discharged and the number that quit of their own accord?

Miss HERKNER. Out of 1,400 plus children who left work in four months, over one-half left voluntarily. That was the reason the employer gave. The child left; I don't know why; over half. One hundred out of 1,400 were laid off either because of seasonal employment—the season was entirely over where that is the case—or because the season was slack, or the place had closed down entirely. Only 152 were discharged.

Mr. LEISENSON. Out of 1,400?

Miss HERKNER. Out of 1,457; yes, sir. Those were the employers' reasons. Out of the children's reasons, the largest single group gave a dull season as reason for leaving; that is, the work was slack, and they were not earning enough. Probably they were on piecework. The second largest single group complained that the work was too hard, or too heavy, and that includes being put on heavy machines or dangerous machines. It includes such objections to an industry as hard on the eyes or hands, sickening odors, or excessive heat.

Mr. LEISENSON. Was there any objection to work on the ground of speeding up?

Miss HERKNER. We have a few children that leave because it is piecework. They say specifically piecework. In the tin-box industry and the tin-can industry, which is quite extensive in Baltimore, the children obviously do leave because they are speeded up. In the tin-box industry they are paid by the piece, so much a thousand; but, in addition to the natural speeding up of a piece-rate system, two boys have to keep a machine that is geared at a certain rate of speed, which is an additional stimulus to them, and we find that the boys there change constantly; then we have pretty nearly as many going out as go in right along.

The one definite objection that they advance for the industry is that it cuts their hands, and when you argue it out a little more and say, "Can not you go more slowly, so it would not cut your hands?" then the other objection comes out, that you have to keep up with the machine.

Mr. LEISENSON. Can you give us an idea of the kind of work that those children have to do? I do not mean the industry, but the character of the occupation?

Miss HERKNER. In the two years' experience, we have classified the industries fairly well on the basis of those entered by children.

In the department stores the boys are bundle and wagon boys, and the girls are bundle and cash girls in the store.

In the large establishments both boys and girls are generally called errand children—errand boys and girls. They carry bundles from one set of operators to another. In the cotton goods and button and trim, cut off the threads. They do operate some light machines, such as the sewing on of buttons and simple things of that sort. In the cotton mills they do the usual things children do there. More boys go in. In the biscuit factories it is largely just the packing of crackers in boxes. In candy it is largely packing of candy. In the wooden-box industry the boys take off of the saw. We have not been able to remove from that position in Maryland, because the wooden-box industry threatens litigation, and the bureau has had so much other work that it thought it could not neglect to prepare itself for a long-drawn-out trial, but their work is both dangerous and heavy. A certain amount of lumber is cut off, and even though carried in small sizes the boys complain that in the course of a day they have to carry a large amount of lumber. The work is not only dangerous but heavy.

Mr. LEISENBERG. Out of the total children that you gave permits to, can you give us any idea what number have an opportunity to learn any trade?

Miss HERKNER. I should say that the child-employing industries place children in positions doing very light work, that does not lead to anything.

Mr. LEISENBERG. These children that you speak of, 14 to 16, when they drift from one place to another, when they leave a department store, do they ordinarily go back to another place where they can learn a trade, or do they go into another child-employing occupation?

Miss HERKNER. The vast majority of the children must, of course, go into child-employing industries. That means merely simple jobs that the children can do. There are a very small number only of those industries where children can learn trades. As a matter of fact, most industries to-day are not skilled.

Mr. LEISENBERG. Up to what age are children ordinarily employed in those occupations that you have mentioned?

Miss HERKNER. Up to about 16.

Mr. LEISENBERG. And after 16 they would have to quit those employments?

Miss HERKNER. They would not have to, but employers tell me they can not get a boy of 16 to work, and when you go into it with the employers more, you will find that generally his industries are not such that a boy entering young can advance from one to the other. You simply skip. For instance, in the wooden-box factory, you skip from taking off saw and helping on the wagon to sawyer, which is a man's job, and there is not any in-between for them.

The same is true in the tin-can and in the tin-box industry largely. There are certain simple occupations that are considered children's occupations. Then one skips from this to what is a man's or a woman's work.

Mr. LEISENBERG. Your idea, then, is that at 16 the boy ordinarily takes this higher occupation?

Miss HERKNER. No, sir; he does not. He is not quite ready for a higher one.

Mr. LEISENBERG. What happens during that period?

Miss HERKNER. Well, the boys of 16 make up, more than any other age, boys of corner crowds—the large crowds of boys that are always found loafing in certain sections of a large city, and they are drawn on during the rush seasons of some industries. For instance, in Baltimore, we have several allied industries that all have a rush season at one time. During the canning industry, not only the canning factories are calling for a large supply of labor, but the tin-can factories, the wooden-box factories are, the transfer men demand a lot of help to load trains; then label factories are very busy. During that season when several industries at one time have a rush season, these boys from 16 to 18 are drawn out, and a great many of them do not work more than just a few weeks in that season.

I have known personally any number of boys, who are older now, who have just loafed for the most part through two or three years of their life.

Mr. LEISENBERG. What is the cause of that—unusually high wages?

Miss HERKNER. Yes, sir. When the season is at its very height, then there is a recklessness about paying wages to a few additional people, because it is only going to run two or three weeks more, or three or four or five weeks at the most.

Mr. LEISENBERG. Then you have periods of unemployment there for the classes of juveniles—first, 14 to 16 year old children, who are constantly changing places. Can you give us any idea of the length of period of unemployment between places?

Miss HERKNER. I can, if it has been recorded for those four months. You want the length of time employed or between jobs?

Mr. LEISENBERG. Between jobs.

Miss HERKNER. Out of the 1,400, 600 got jobs in less than a week again; 200 and over were idle between one and two weeks.

Mr. LEISENBERG. What is the total over a month?

Miss HERKNER. Over one month?

Mr. LEISENBERG. Yes.

Miss HERKNER. About 200.

Mr. LEISENBERG. Two hundred out of one thousand four hundred?

Miss HERKNER. Yes. Unfortunately, there were 300 that were not known in January, the first month when our system for checking on all this was not completed; a good many were unknown, about 200.

Mr. LEISENBERG. Would it be a conservative estimate to say, then, that one-seventh of them, when they are changing jobs, lose a month between jobs?

MISS HERKNER. A month to a year.

MR. LEISEN. From one month to a year?

MISS HERKNER. Yes.

MR. LEISEN. That means the total time lost between their various jobs?

MISS HERKNER. No, sir; that means between two jobs.

MR. LEISEN. That means between just two of the jobs?

MISS HERKNER. Yes, sir. We get the information when the child comes for a subsequent payment, and we find out how long it has been since he has worked.

MR. LEISEN. That is to say, among those other six-sevenths they lose from one to three or four weeks?

MISS HERKNER. To four weeks.

MR. LEISEN. And those same ones may lose that one to four weeks three or four times a year?

MISS HERKNER. Yes, sir; and sometimes 12 times a year.

MR. LEISEN. Have you any record as to the total amount of changing that is done? How many jobs a child has in a year?

MISS HERKNER. I have not that here now. There will be a report on that at the end of the year.

MR. LEISEN. Then the other class of boys, from 16 to 18, when they graduate from the permit class and they are not ready to go into the adult or workers' class, about how much time do they lose? Have you any idea?

MISS HERKNER. We haven't any track of that.

MR. LEISEN. You found in many cases where they merely worked during the usually busy periods in seasonal industries?

MISS HERKNER. Yes, sir.

MR. LEISEN. Have you made any investigation as to the effect on the character of these children during the periods of unemployment in changing jobs?

MISS HERKNER. There has been no systematic study made of those.

MR. LEISEN. What is your impression as to what happens?

MISS HERKNER. My impression is, of course, just based on seeing the children at the office that come for permits and what I see of them living in that neighborhood. The thing that probably impresses me most about them is they lose all respect for work because of the way that it treats them, speeds them, and offers them undesirable conditions while they are on the job; and it is constantly throwing them out of work and sending them on long searches for a new job. About the time the boy is 16 he does not care whether he works or not. During those two years he has made so many changes—that is, the majority of the boys have—that they have learned so many things about industry that are a delusion to him. He has only known about the wages before he entered. He has learned so many other things that are not to his credit that at the time he is 16 he not only has become dependent in the family but he has lost so much respect for the work that he had when he started out.

MR. LEISEN. You think one effect of unemployment—unemployment and changing between jobs—is to make them unwilling to work?

MISS HERKNER. That is one; and it develops the habit of unsteadiness—or, rather, destroys the habit of steadiness they had. If a boy had to change twelve times, he begins to get the habit of changing.

MR. LEISEN. You mean he acquires the habit where after a while he can not work more than a month or so?

MISS HERKNER. Yes, sir.

MR. LEISEN. Another thing. What do you think specifically of the conditions of employment that make these children quit? Do you think that if there are any possibilities of advancement there, they would not quit?

MISS HERKNER. Yes; I think they would stay. In the first place, positions are not made in industry for children with any view to training them as skilled adult workers. They simply are put on jobs that are simple because they are cheap. For instance, we have had two wooden-box men grant that the occupation of taking-off boys is dangerous, but that 16-year-old boys do not care to work, for one thing. In the second place, they demand more wages; that the sawyer believes his wage should be in a greater proportion than the boy's wage; and if the boy's wage is higher, the sawyer's should be; and that it would mean more money is the only reason the small boy is held there in spite of the danger. And also the work is heavy, and because he costs less in the course of a year.

MR. LEISEN. Have you any way of telling whether these boys from 16 to 18, when they get out of the class where they can only do the ordinary children's employment, gravitate into the casual laborer that does the railroad work or the construction work?

Miss HECKNER. I do not believe that we have any records in Maryland to show that.

Mr. LEISENBERG. How about your employment office in Maryland?

Miss HECKNER. That is only in the statute; it is not in operation or existence. That does not do anything. We have this year a law passed by the legislature that compels the registration with us of all establishments employing five or more people, and we have drawn the registration card so as to show how many of those will be boys from 16 to 18. That information is not at hand and I can speak from personal observation only.

Mr. LEISENBERG. Have you followed up any cases of those boys from 16 to 18, as to what work they go into later? What becomes of them?

Miss HECKNER. Well, a good many of them loaf around for two or three years until they can command a man's job and a man's pay. Those that are not spoiled by the loafing, those who rather rest up from that exhaustion that the speeding up from 14 to 16 leaves with them, go, of course, into the industries that call for most people. Clothing is our leading industry, and quite a number go in it. I know that among them the boy, the young men who really develop into steady workers, are looked upon as exceptions. For instance, young men of 20 will say, "We never expected that boy to be steady on the job. Why, he is the only one of his gang that is around and working steady. Others have disappeared." Along the water front, and we have considerable of water front, and that part of our population very near it, that offers casual employment, and some of the boys go in there when there is an extra demand for men. That, of course, is casual work in itself.

Mr. LEISENBERG. That is to say, a small proportion of the boys do go into industry, but others drift into casual occupations, like longshore work, or other work of that kind?

Miss HECKNER. Yes, sir. A good many of them I have known have gone into the Navy. Some have loafed around until they were big enough and the family would not have it any more, and I have known half a dozen of one gang that went into the Navy.

Mr. LEISENBERG. It is your opinion, then, from your experience with children, that occupations without a future tend to make them shifty and unsteady and that that tends to make them have shiftless habits which later puts them into the casual and unemployable class?

Miss HECKNER. Undoubtedly it does that with many, especially where the home does not exercise a great deal of discipline on the child. It needs a lot of counteraction on the part of the home to overcome the undoing of the character.

Mr. LEISENBERG. Ordinarily, are the parents of these children in a position to give that counteracting influence?

Miss HECKNER. Generally speaking, they are not. In Baltimore, Md., particularly, where the canning industry is very extensive, where many of the mothers of these children are at work a large part of the year, the children are deprived entirely of any home discipline.

Mr. LEISENBERG. Have you any suggestions in your mind as to how we might or what the remedies might be to prevent the manufacturing of these casual and unemployable wage earners?

Miss HECKNER. My experience with the administration of the child-labor law in Maryland convinces me that for the child's good practically very few children should be admitted into industry, and only when there is a future in the industry for the child. It seems to me, besides directing children where there are jobs, it is more important there than with adults to study the industry, to see what future there is there, because the children still have a future, and many of the grown folks don't, and you might prevent the unemployable, because it does exhaust their energies and rob them of their energies, and destroy any steady habits the children may have acquired from home.

Mr. LEISENBERG. Let's take it up in this way: Suppose you have a juvenile employment agency in connection with the employment offices. That would shorten the period between those jobs for those children, might it not?

Miss HECKNER. Yes.

Mr. LEISENBERG. So that, so far as merely keeping them somewhat more steadily employed, that might be accomplished by a juvenile employment exchange?

Miss HECKNER. I don't believe that with a child the time between employments is so important. It is the fact of the constant change that is bad for the child, whether he goes right from one to another or not. The losing of

time to the adult is an important thing, but to the child I think it is rather a detriment—

Mr. LEISENBERG (interrupting). Now, what you would do further, you would have this agency which would try to get them, not so much jobs, as to find out two things, first, where they might get into an employment that affords opportunities that they don't have in these ordinary children's employments?

Miss HERKNER. Yes.

Mr. LEISENBERG. And, secondly, to advise them not to, or to have a law to prevent them from going into occupations where there is no future for them?

Miss HERKNER. Well, I think it would have to be based on a study which would show what speeding up does to the child.

Mr. LEISENBERG. That is, you would suggest a study being made as to what speeding up or other conditions in ordinary children's industries, what effect that has on the character of the children, is that it? And then if that is found to have a bad effect, you would prohibit the children from going into that?

Miss HERKNER. The two things, the speeding up, and then the deadening of the brain by monotonous work, for much of the work is simple, and the speeding up is not really as injurious as the fact that the child's mind has absolutely no chance. From infancy, a child can do a very small sum, little numbers, and repeat it 70,000 times a day. That is not hard. It might not be excessive speed, but in order to keep that up and in order to keep even pace with the machine, the child must suppress every tendency, every mental and muscular activity, in order to keep doing his particular little task all the time. There is nothing more deadening. I presume that a great many of the men who do not care for any kind of a job have had all their mental activity or their ambition killed in just that way.

Mr. LEISENBERG. And if there was a chance for advancement for those children in the industry, he is offered a less monotonous position where he would get some idea of a trade at some high-skilled occupation, you would think there would be some incentive for them to stay steadily at work?

Miss HERKNER. Yes; except that where one occupation is monotonous, they are all apt to be. Take a tin canning factory. There is a style of machinery there called a line; and every person on that line—there may be 11 of them—performs his task the same number of times that every other one does. The job of the line of machinery is from 65,000 to 70,000 cans a day, and no matter what a person does, he does his task that many times. Some of the tasks may be a little more responsible than others, but what the child does is to drop in the bottoms on one side of the line of cans and on the other side the tops. Now, that line of machinery there would be no advance for that child, because all the work is of the doubly monotonous kind, and so in the industries where the work is monotonous it is probably all that and the brain and body of the adult, that has had a chance to develop, does not suffer as the child does. You see, the child is restraining every second of the time an inclination to activity, where the adult does not, or that the child does a double job. The task may be easy, but the child works twice as hard on it as the adult.

Mr. LEISENBERG. Exclude them from those occupations?

Miss HERKNER. Yes, sir.

Mr. LEISENBERG. Would it be possible for the industry to get along if it did not have them?

Miss HERKNER. Well, I think whatever a child can do an adult can do. It is just a matter of money.

Mr. LEISENBERG. You think there are plenty of men to do that kind of work?

Miss HERKNER. If there is any truth in the report that there are a large number of unemployed in the country, there are certainly enough men to take those jobs.

Mr. LEISENBERG. Then you would have the State deny these children the right to go in these industries somewhat as the State denies a given public utility a certificate of convenience and necessity?

Miss HERKNER. I would have them deny it in the same way they deny the child the right to work in a dangerous occupation. There is certainly harm coming to the child, though it is much more subtle and less tangible. It is just as injurious, it seems to me, for a boy to lose his ambition and his adaptability to better classes of work as it is for him to lose one or both of his hands.

Mr. LEISENBERG. You see all States deny now a child, up to 18 in many cases, the right to work in many dangerous occupations, and many States deny children under 21 from carrying messages at night, because it is dangerous to their morals; and on the same theory you would, because it is a danger to their character, deny them the right to work in those unpromising occupations?

Miss HERKNER. Yes, sir.

Mr. LEISENBERG. Have you any other suggestions to make along this line?

Miss HERKNER. I don't believe that I have.

Mr. LEISENBERG. Will you leave that document as an exhibit with the reporter?

Miss HERKNER. Yes, sir.

(The document here referred to was marked "May 20, 1914, Herkner Exhibit A.")

Commissioner BALLARD. You spoke of a number of children of 14 leaving school and going out to work. Now, has it developed that after they have worked two or six or even eight months or a year that many of those children go back to school?

Miss HERKNER. Some few do, but very few. Our schools in Maryland do not have any industrial training. These children of that age comes from an environment that recognizes the value only of industrial work, and there is not much in their life to send them back. They simply take a chance on changing around. But some few do go back, but that is specially true of children who come from homes where the parents recognize the value of schooling, but could not make the child see its value before.

Commissioner BALLARD. We have heard that boys and girls are frequently changing. Have you records that will enable you to testify whether the boys change more or the girls?

Miss HERKNER. The boys change more than the girls. That may be because there are more boy-employing industries in the community than the girl-employing industries.

Commissioner BALLARD. Has it ever occurred to anyone in that section where they have these canning industries and seasonal occupations—I understand they have a great number of tomato pickers and peas and other vegetables?

Miss HERKNER. Yes.

Commissioner BALLARD. Has it ever occurred to people in those districts that the school might close for that particular period of time, and then resume, allowing the children to work in the fields and industries and then resume their schooling?

Miss HERKNER. In Maryland the large number of workers in the canning industry, even though scattered all over the State, come from Baltimore city; and the effect of the opening of the canneries is not felt so much in the city except through the loss of these children who go to the country. The country schools do not close down, because the country children do not work in the canneries to any large extent, unless they are colored; and we look upon those the same as we do upon the foreigners. From Baltimore city it is the foreign population that largely supplies the labor for the canneries. That has occurred to some people, but it has not worked out.

Now, this is what does happen: Those children are, for the most part, Polish, Bohemian, and some Italians are beginning to go into the canneries. They attend parochial schools, and the parochial schools do close down when the canning seasons open. For instance, the parochial schools in Baltimore now have closed down for the most part, and only the higher grades are running. But the school does start a little earlier, and they are always three months behind in the fall, and they leave one month earlier, and the trouble comes when they apply for a permit and they are supposed to have finished the fifth grade, and they can not make the fifth grade when they are always behind.

Commissioner BALLARD. You speak of children and the long hours. Is it usually an 8-hour day, or longer?

Miss HERKNER. Much longer. We have practically an unlimited day for children in Maryland, and it is generally 10 hours.

Commissioner BALLARD. They have never passed any law prohibiting children working over eight hours?

Miss HERKNER. No; it is a 10-hour day for children and women in some industries, but not in the canning industries. They may run 15 hours a day, and they do not come under the 10-hour law.

Commissioner O'CONNELL. These canning industries, where they take children out from the city to the cannery, do they have living camps for them?

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Miss HEKKNER. Yes, sir.

Commissioner O'CONNELL. And keep them?

Miss HEKKNER. No; the canner furnishes the shelter and the straw for bedding. The people bring out their own bedding, their own cooking utensils, and they keep house for themselves. They get whatever vegetables are being canned, I think. They use condensed milk, and the bread wagons do come through the camp two, sometimes more, times a week. Some camps are situated in little towns, so that they can get their supplies there.

Commissioner O'CONNELL. Have you visited any of these camps?

Miss HEKKNER. I have gone through them in the State of Maryland three times.

Commissioner O'CONNELL. Can you give us any idea as to the conditions of the camps and their sanitary conditions and general conditions? You say they furnish straw for bedding.

Miss HEKKNER. The conditions of those camps are improving somewhat. Two years ago it was seldom you would find a camp in which a family had a room to itself. For the most part the camps were old barns or buildings, in which the farming machinery was stored during the rest of the year. These were divided into small apartments by boards about 12 inches wide, standing on edge. That was the partition between one stall and another—about 12 inches. The width of it would depend on the family that had to be housed or slept in this stall. The farmer divided off the floor of the stable or shed into these stalls and threw straw into the bottom of them, leaving a wide aisle down the middle of the building; and when the family arrived they stuffed their bed-covers in on top of the straw. They generally bring their possessions in a large wooden chest or trunk, and this stands in the aisle at the base of the stall, and is locked. And in that the smoked meat and canned milk, and such things as the family brings out are kept; and the clothing is just hung around on the rafters. Now there is a tendency to provide beds for the people that come out, and these beds are in long, narrow buildings, divided into individual rooms, and each family have a room. The beds are much the same; sometimes they are double-deckers.

Commissioner O'CONNELL. Is there always a family?

Miss HEKKNER. For the most part.

Commissioner O'CONNELL. And no boys without being members of the family?

Miss HEKKNER. Well, not much. I think they generally come with some family. Very few go out as individuals. Usually, they come out by families and, of course, the inducement is the high wages an entire family earns.

Commissioner O'CONNELL. The entire family works?

Miss HEKKNER. Yes, sir.

Commissioner O'CONNELL. What wages do they earn, approximately?

Miss HEKKNER. The man works time work, 10 or 12 or 15 cents an hour. The women generally work by piecework. They get 4 or 5 cents per bucket—it depends on the season—a 40-pound bucket of tomatoes. That is, they skin two bucketfuls to make one bucketful of skinned tomatoes.

Commissioner O'CONNELL. Approximately, what does it amount to in dollars and cents?

Miss HEKKNER. It is pretty hard to average. The season lasts six or eight weeks, and they take out the help as soon as they can, and probably the first families will go out before they get to running full, and probably will get one day the first week and perhaps two days the second week, and three days the third week, and then there will be three weeks of full-time work, and possibly some night work. Twenty buckets a day, I consider, would be a fair average for a woman to do a day if she had worked right along, but you see they don't hardly work any part of the first week, and then for three or four weeks, I think the best of them earn \$3 a day, which is a large amount for a woman. Some days they may do that, but it is somewhat exceptional. They would earn from \$2.50 to \$3 a day, the best of them.

Commissioner O'CONNELL. What do the children get?

Miss HEKKNER. They work piecework, and get 4 or 5 cents a bucket. They can not keep the speed up as long as the women can. The children will tire earlier in the afternoon, whereas the women will keep it up all day. But a child can make a dollar a day in the busy season.

Commissioner O'CONNELL. Do you consider conditions of housing, and the putting of them in the stalls, satisfactory, and is any attention paid or any sharp contrast drawn between the male and female workers?

Miss HERKNER. None whatever. I have looked in a shed like that, where there were 57 families without one partition higher than a foot from the floor.

Commissioner O'CONNELL. No very sharp contrast drawn then?

Acting Chairman GARRETSON. In regard to these boys between 16 and 18, have you had enough personal knowledge to determine what one of the great factors in the case of a boy of that age is effective in causing him to refuse to work? May it lie in the fact that with the natural period of development arising then, the boy earns the children's wage and is not able to secure the man's wage?

Miss HERKNER. I think that is a very important factor.

Acting Chairman GARRETSON. Any other questions?

Mr. LEISERSON. That is all.

Acting Chairman GARRETSON. That is all, thank you, Miss Herkner.

Mr. LEISERSON. Mrs. O'Connell will take the witness chair. It appears here on our program as Mrs. Mary O'Connell; it should be Mrs. P. J. O'Connell.

TESTIMONY OF MRS. P. J. O'CONNELL.

Mr. LEISERSON. Are you connected with the Alliance Employment Bureau?

Mrs. O'CONNELL. Yes, sir.

Mr. LEISERSON. Explain to the commission just what that Alliance Employment Bureau is, and what it does?

Mrs. O'CONNELL. It is organized for the purpose of placing girls and women and, later, boys under 18, in factory and in clerical positions, largely—but we place about three-quarters of our people at trades.

Mr. LEISERSON. Will you describe the methods by which you get the opportunities in which you place them?

Mrs. O'CONNELL. Naturally, we try every means we can for getting places; but when employers come to us—we send out no applicants until some one from our office has visited the place and made a careful investigation as to the wages and conditions there, and whether they are up to the standard in that particular trade, and as to the sanitary conditions, and as to whether or not the labor laws are obeyed. We have no exceptions.

Mr. LEISERSON. You have special investigators who do that particular work?

Mrs. O'CONNELL. Yes; those who have been trained in our own office.

Mr. LEISERSON. You send no one to a place except you know definitely what the conditions of employment there are?

Mrs. O'CONNELL. As much as can be found out by a visit of investigation.

Mr. LEISERSON. How many people do you place annually?

Mrs. O'CONNELL. Only about 1,300 or 1,400, probably.

Mr. LEISERSON. And what proportion of those are children?

Mrs. O'CONNELL. Offhand, I should say, probably one-fourth.

Mr. LEISERSON. About 40 per cent?

Mrs. O'CONNELL. One-fourth.

Mr. LEISERSON. Oh, one-fourth; and what does it cost to do that work?

Mrs. O'CONNELL. Costs about \$7,000.

Mr. LEISERSON. To place about 1,300 or 1,400?

Mrs. O'CONNELL. Yes, sir.

Mr. LEISERSON. And can you tell how many employees you have?

Mrs. O'CONNELL. Seven—six besides myself.

Mr. LEISERSON. How many do this investigating work?

Mrs. O'CONNELL. Four.

Mr. LEISERSON. And the other three are in the office?

Mrs. O'CONNELL. Clerical; yes, sir.

Mr. LEISERSON. And who supports the bureau?

Mrs. O'CONNELL. It is affiliated with perhaps 25 settlements, who aid in its support; but the support largely comes from people who are interested in the question of employment.

Mr. LEISERSON. That is, by private subscription?

Mrs. O'CONNELL. Yes—oh, I beg pardon; we also charge a fee.

Mr. LEISERSON. How much is the fee?

Mrs. O'CONNELL. No fee less than 50 cents; otherwise 10 per cent of the first week's wages, but nothing less than 50 cents. You must realize that we are dealing with children who often do not get \$5 a week.

Mr. LEISERSON. Have you any other fees?

Mrs. O'CONNELL. Our registration fee is 25 cents, but that comes out of the regular 10 per cent. Of course, we don't charge that to people who are not working.

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Mr. LEISENSON. You charge everyone a fee, but if they have not got it you wait until after they have got work?

Mrs. O'CONNELL. Yes, sir; we do that partly as a source of income, and a little bit more because we think the service that is paid for is better appreciated.

Mr. LEISENSON. What proportion of your expenses of \$7,000 comes from fees, and what proportion from voluntary contributions?

Mrs. O'CONNELL. We take in from \$1,000 to \$1,200 in fees, and the budget last year was about \$7,000.

Mr. LEISENSON. Do you think it would be possible for the State to organize an employment agency of your kind to do work on a larger scale?

Mrs. O'CONNELL. Why, certainly I think so.

Mr. LEISENSON. Do you think it ought to do it?

Mrs. O'CONNELL. I don't think they should do it in any other way. I think the most important thing about an employment bureau that is to help anyone is the investigation.

Mr. LEISENSON. You think the State would be justified in spending for every 1,300 people \$7,000 in order to get them in touch with positions?

Mrs. O'CONNELL. I doubt if that would be necessary in running a bureau on a larger scale than we do. For instance, if we placed 300 more a year we would not expect it to cost proportionately higher. You see, we have three clerical workers, whose work is recording the results of these investigations by these four investigators. I think we could place three or four hundred more without bringing up the expense accordingly or proportionately.

Mr. LEISENSON. You refuse to place anyone where your investigators have found conditions not up to standard?

Mrs. O'CONNELL. Yes, sir.

Mr. LEISENSON. What are your standards?

Mrs. O'CONNELL. That the sanitary conditions are good, that the labor laws are kept, and that the wages are up to standard in the trade. I speak particularly of the trades now, rather than office work.

Mr. LEISENSON. What proportion of your applicants are placed in industries where there is a definite skilled trade?

Mrs. O'CONNELL. Why, I don't think I can say that, because there are so few skilled trades for girls and for boys up to 18.

Mr. LEISENSON. Most of those people that you supply, are placed in positions, have they any definite training or are they unskilled?

Mrs. O'CONNELL. The girls over 16, called adults, have already been spoiled by the injurious conditions related by the last speaker. By that time, 16 or 17, they have become unskilled workers, with ability only for unskilled jobs.

Mr. LEISENSON. That is, the condition Miss Herkner described with reference to Baltimore you find prevails in New York?

Mrs. O'CONNELL. They apply very largely.

Mr. LEISENSON. You find the same conditions—the constant changing of the boys under 18 that you place?

Mrs. O'CONNELL. No; I can not—not offhand.

Mr. LEISENSON. Can you tell us about how many boys under 18 you place?

Mrs. O'CONNELL. No; I can not.

Mr. LEISENSON. About what proportion are under 16?

Mrs. O'CONNELL. No; I can not tell that.

Mr. LEISENSON. Do you place any under 16?

Mrs. O'CONNELL. Yes; we do—from 14 to 18.

Mr. LEISENSON. From 14 to 18. Can you give us an idea of the reasons that led you to go into this child placing—the placing of juvenile labor?

Mrs. O'CONNELL. Why, no; that is what the bureau is for; that is what the bureau is organized for. It was organized not only for the children, but later we enlarged the work to include the boys.

Mr. LEISENSON. I mean, did you have any idea of directing children into employments where they would not be injured in this way that Miss Herkner has described as pertaining to these unpromising industries?

Mrs. O'CONNELL. Well, the bureau is a bureau 23 years old, and nobody had those ideas 23 years ago.

Mr. LEISENSON. Recently, have you taken on that idea of vocational guidance?

Mrs. O'CONNELL. Very considerably; yes.

Mr. LEISENSON. Will you describe just what that idea is?

Mrs. O'CONNELL. Not vocational guidance so much, since most of that should come before the children reach us. But, rather, the placing of children under

16—girls, let us say—boys are more difficult. That is another aspect; but girls under 16 we try to place where we can in trades. Of course, there we come up against the opposition of the parents, who are not always willing to place a girl at a trade where she will earn something less—at a trade possibly where she will earn a dollar less than the unskilled job will pay, where the girl will learn nothing. It is not always a financial reason, but it sometimes is greed.

We also try to follow the child up just as much as possible—as much as our time will permit.

Mr. LEISEN. You try, then, what Miss Herkner has recommended here, to keep the children out of the employments that offer no future? Your bureau attempts to direct them away from those employments?

Mrs. O'CONNELL. Yes.

Mr. LEISEN. You stated before that the vocational guidance should come before they come to you. Have you any ideas on that subject? Just what you mean by that?

Mrs. O'CONNELL. Why, I don't believe I can qualify very much further. My work is so strictly employment work. But I think I may say here that pre-vocational training—

Mr. LEISEN. Give us a reason why you think it is necessary that children, before they come to your employment office, should have some kind of guidance and training. What is the condition that makes it necessary?

Mrs. O'CONNELL. Well, I think the child that has had some instruction before that won't come in and say they just want a job. They will have some definite ideas as to the opportunities in certain lines, and perhaps will not, just as about nine-tenths of the boys now do, say that they want to be electricians.

Mr. LEISEN. What is the objection to a person coming in and just saying he wants a job?

Mrs. O'CONNELL. It puts it up to us rather hard, because we know nothing at all of that boy's capabilities. We know nothing at all of what he might be best fitted for, and can judge very slightly from our interviews with him. If his abilities had been studied a little beforehand, if, for instance, in the public schools, the teacher when he had passed on his studies and his information, had passed on the boy's abilities, and had tested them out, and that had been carried on from the beginning until he left school at 14, he would have some idea, not only of what he would like to do, but what he was best fitted to do.

Mr. LEISEN. You think he would not drift in the way these boys are in the habit of doing, from place to place?

Mrs. O'CONNELL. No. As it is, a boy may come in and we may put him in the wrong place—the very worst place.

Mr. LEISEN. Do your records show a constant changing of boys in their positions?

Mrs. O'CONNELL. Yes, sir; more than the girls. Well, I should not say that, because we handle more girls.

Mr. LEISEN. What is the reason for changing, ordinarily?

Mrs. O'CONNELL. To state that would be just to duplicate what Miss Herkner has said—just about the very thing she stated. They don't like the job, or they have to get down too early; and the boys state that they have to sweep the floor, and the girls state they were asked to do things they were not hired for. We get that more often, however, from the office girls.

Mr. LEISEN. How do you interpret that? What do you think is back of all that?

Mrs. O'CONNELL. The first reason back of it all is, that the children of 14 haven't any business to go to work.

Mr. LEISEN. You would raise the school age?

Mrs. O'CONNELL. Yes.

Mr. LEISEN. To what?

Mrs. O'CONNELL. Sixteen, at least.

Mr. LEISEN. Just why would you do that?

Mrs. O'CONNELL. Because I don't think a child of 14 has any business to go into the industries.

Mr. LEISEN. Does the fact that the opportunities of the industry itself, in teaching them and in working them might be of value, or do you think the schooling the boy would get now is more valuable to him than the training he would get in an industry?

Mrs. O'CONNELL. It would certainly be, if our schools were properly organized—to teach the habits of industry, and then he would not find himself in grade FB, when he is 14.

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Mr. LEISERSON. You think that the work that the children do between 14 and 16 does not develop habits of industry?

Mrs. O'CONNELL. Not as it is working out here in New York City; no; by no means.

Mr. LEISERSON. I don't mean the schools, but the industry. What would you do in order to inculcate habits of industry in those children?

Mrs. O'CONNELL. I don't know—not if you speak of industry—unless you could have the children part of the time in an industry and part of the time in school. I would not know any remedy except to keep them in school.

Mr. LEISERSON. Then you would raise the working age to 16?

Mrs. O'CONNELL. Yes, sir; by all means.

Mr. LEISERSON. In school all that time?

Mrs. O'CONNELL. My mind does not go back quite so far, but far enough until there was a time in New York when children went to work at a much earlier age than now.

Mr. LEISERSON. That would not be any very distinct hardship on the people if the school age was extended to 16?

Mrs. O'CONNELL. No; not in the large majority. Even so. Even if the State had to step in, even so, I don't see why the children 14 years of age should support themselves.

Mr. LEISERSON. You stated that a juvenile employment exchange of the kind that you run on a small scale would be desirable for the State to assume. Can you give us any ideas of the ways on which it ought to be managed, just as you have described how your women's employment agencies are handled?

Mrs. O'CONNELL. In the first place, I don't think I limited it to a juvenile employment exchange. I think that an employment agency that puts any person in the job without knowing what he is doing has not done the individual any particular good. To go back to the juvenile question; why, I don't know of any better plan than the plan we have worked out here. It sounds egotistical, but I don't know anyone that is doing it in this city. I don't know any better plan than we worked out, of continually investigating places of employment to better the children.

Mr. LEISERSON. Will you describe what you do in the follow up of the children?

Mrs. O'CONNELL. Our cooperation with our employers is pretty good—so good that the morning the child is absent the employer will telephone and say, "this boy is not here to-day, or this girl is not here to-day." It becomes our business to set everything aside, practically, and look up that child, and get the child back on, if possible. We may be able to do it through the agency which sent the child to us, we may be able to and we may not. We may be able to do it ourselves. We have to depend for visiting the homes on our own efforts, and some member of the staff will make it her business to visit the child's home to see her. Sometimes the parent does not know the child is not at work—the child has gone out with his lunch in his hand.

Mr. LEISERSON. During what age do you follow children up that way?

Mrs. O'CONNELL. We do not make any limit as to age. We would just as soon send out for a girl of 17 or 21 years old, as a younger child.

Mr. LEISERSON. Ordinarily, the employer who hires an adult would not notify you that the person was absent a day and have you follow him up?

Mrs. O'CONNELL. He is very likely to; he is more likely to in the case of the young girls than if they are over 16.

Mr. LEISERSON. But you would not advise that for adult men?

Mrs. O'CONNELL. Oh, no; certainly not; they don't need supervision. Some of them do, but still—

Mr. LEISERSON (interrupting). You would advise a regular system of care for the children up to what age; for boys, for example?

Mrs. O'CONNELL. I don't think you can advocate it much for boys over 16. I think for girls perhaps a little longer.

Mr. LEISERSON. What is the exact purpose of following up children in that way?

Mrs. O'CONNELL. Just to do away with the irregularity of employment. If the boy stays away from work, he is a little bit afraid to go back the next day, and it is always easy to give up a job, you know.

Mr. LEISERSON. And you carry on that work for about 300 children, do you?

Mrs. O'CONNELL. Yes. Understand a number of those stay where we put them, and with a number of employers we do not get the cooperation.

Mr. LEISERSON. That is to say you have children—a system of aftercare or follow-up for children?

Mrs. O'CONNELL. I can not say we have an organized system of doing that, but we do it as it fits into our business.

Mr. LEISERSON. Do you consider that as important as any juvenile exchange?

Mrs. O'CONNELL. Yes.

Mr. LEISERSON. It is not so much getting a job for a boy as seeing he stays there and learns something?

Mrs. O'CONNELL. Certainly.

Commissioner DELANO. I was just going to say that in this very interesting follow-up work that you do, after the boy or girl has left this position without any apparent reason, would your investigator be inclined to put that child in some other work that may be more congenial? Maybe the child had been put first in some work for which he was not properly constituted or properly suited, and would you then put him in some other position in which he would remain? Have you considered that?

Mrs. O'CONNELL. Yes. With a child under 16 it takes quite a little while for a child like that to get settled down in industry. A child over 16 we might not do that for him for the time being. We might say, "You better look around for yourself. While we pick our places very carefully, you don't seem to appreciate what we are doing, and you better look around for yourself."

Commissioner DELANO. I mean find a position that particular child was suited to.

Mrs. O'CONNELL. Yes; it would not be fair to the child not to do that.

Commissioner HARRIMAN. In your experience how have you found the mothers' pension work?

Mrs. O'CONNELL. I don't know anything about that.

Commissioner HARRIMAN. You know nothing about it?

Mrs. O'CONNELL. No; we don't go into the homes so much. I know nothing about that yet.

Commissioner O'CONNELL. How do you raise this difference of the money in your budget?

Mrs. O'CONNELL. We have a list of annual subscribers, and then the members of our board are pretty energetic in raising the money. I will say it is very difficult to get money for an employment bureau. It is not work that appeals to people at large. I don't think they understand that it is quite as important to prevent—to do preventive work, as it is to do work afterwards. You can always get money for rescue work, but not for preventive work.

Commissioner O'CONNELL. Are any of your subscribers employers of children and girls in factories and workshops?

Mrs. O'CONNELL. A few of them are, but all of their own accord. They are not solicited. That would not leave us free.

Commissioner O'CONNELL. You mean, you furnish help for them?

Mrs. O'CONNELL. Yes. We also refuse help, if we want to. We don't ever ask for their subscriptions, but I think we have them. That has nothing to do with our placing the children. A place run by any of our board of managers, we visit the place just the same. We have no hesitancy, don't know anybody at all—we visit them.

Mr. LEISERSON. Do you have any cooperation with the schools in regard to finding out about the children?

Mrs. O'CONNELL. Yes; they send their children to us, and send letters with them.

Mr. LEISERSON. Do they keep any records for you?

Mrs. O'CONNELL. No.

Mr. LEISERSON. Do any of the teachers ever do the visiting for you?

Mrs. O'CONNELL. I should not ask them to; I don't think it is their province.

Mr. LEISERSON. You would not consider it advisable to have this follow-up work done by volunteer committees of teachers—people of that kind?

Mrs. O'CONNELL. I think that maybe the teachers have enough with their own jobs. I think that could be done from outside; but just the time you went to get a volunteer she might be somewhere else. You see, it has to be done the day the employee wasn't there. The different societies, the settlements, help, because they are willing to do it.

Mr. LEISERSON. Have you any kind of organization of that kind of volunteer committees that will do the visiting for you?

Mrs. O'CONNELL. No. You have given me a good idea.

Mr. LEISERSON. Are you familiar with the aftercare committees of the juvenile labor exchanges in Great Britain?

Mrs. O'CONNELL. No; I am sorry to say I am not.

Mr. LEISENBERG. That is the idea that they work on. That is all, unless you have something to say.

Mrs. O'CONNELL. I have one or two things, and one of them is that you have so little in this bill on the question of investigation. That is one thing you have not gone into very deeply.

Mr. LEISENBERG. Will you make your point clear? Do you think the places of employment should be definitely investigated by any institution established by a national government?

Mrs. O'CONNELL. Yes; especially in placing young people of both sexes and in placing women. I think the men are better able to look out for themselves; but I say that in placing young people of both sexes it should be done.

Then, paragraph 17, on dividing fees, is prohibited. You ought to make that very clear, whether the employment agencies might divide fees with each other.

Mr. LEISENBERG. With each other?

Mrs. O'CONNELL. Yes; that has been frequently done, and is not always undesirable.

Mr. LEISENBERG. What is the objection, if I have an employment agency, a private employment agency, charging a fee of \$2, and I can not get the men—what is the objection to coming to you and asking you to supply the men, and then we divide the fee up between us?

Mrs. O'CONNELL. I don't see any special objection. I only wondered if you considered that part at all.

Mr. LEISENBERG. That paragraph was not intended to hit that practice.

Mrs. O'CONNELL. It does not hit it, and I wondered if it should; and it seems to me that because is much too high, or else you ought to make a difference to some agencies like our own, where we charge a fee, and there will be plenty of those. They are in several States now. And the regular agencies—

Mr. LEISENBERG. (Interrupting). You would not classify them that way?

Mrs. O'CONNELL. No.

Mr. LEISENBERG. Do you think it would be advisable for the national employment exchange, working in conjunction with State employment exchanges, to supplant philanthropic agencies of that kind, or do you think these have a distinct function to perform aside from any National or State system?

Mrs. O'CONNELL. Well, if we could imagine a national organization or State system doing just what agencies like ours are trying to do, I don't see why we need exist. But I can not imagine their going into it as intensively as we can. That is a dream and a vision, and I don't think they will. I think it could be done, but I doubt if it will be.

Mr. LEISENBERG. You think, then, no matter what kind of system is established, there will be need for philanthropic agencies to do advance intensive work which may later be taken up by those agencies?

Mrs. O'CONNELL. They should do that. I thought payment of fees—I may be wrong there—that dollar fee, when a person is sent to a place to work, that fee is too much unless it is returnable, and there is nothing in the bill that it is so.

Mr. LEISENBERG. The idea was it would be returnable.

Acting Chairman GARRETTSON. The commission will now take a recess until 2 p. m. in this same hall.

AFTER RECESS—2 O'CLOCK P. M.

Acting Chairman GARRETTSON. The commission will be in order.

Mr. LEISENBERG. I will call Mrs. Rodgers.

TESTIMONY OF MRS. HELEN W. RODGERS.

Mr. LEISENBERG. Will you give your full name, please?

Mrs. RODGERS. Mrs. Helen W. Rodgers.

Mr. LEISENBERG. What official position?

Mrs. RODGERS. Director of the Boston Placement Bureau.

Mr. LEISENBERG. Director of the Boston Placement Bureau?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. Will you explain what the Boston Placement Bureau is?

Mrs. RODGERS. The Boston Placement Bureau is trying to affiliate with the public schools in fitting into suitable positions young people who are just entering industrial and commercial life.

Mr. LEISENBERG. That is, you stand as the gate to industry as the boy leaves the school?

Mrs. RODGERS. We try to bridge the gap from the schoolroom into the shop—to bridge a safe passageway by which they may be taken from the school into the work which they apparently at the time seem best fitted for.

Mr. LEISENBERG. Can you tell us the machinery that you have to do it?

Mrs. RODGERS. We try to do three things—to keep just as many children as possible in the schools. Out of the total registration of 2,300 children, in round numbers, registered between June 20, 1912, and the 1st of May, this year, 577, that is, one fourth of them, were put back into school. That is the first object of the bureau—to return them to the school. It makes, of course, the name of the bureau a misnomer.

The second thing, if placement becomes necessary, is to fit the worker and the work together by knowing just as much as we can about the child, his school record, his general characteristics and special aptitudes, and by knowing as much as we can about the industry, the opportunity in which we are trying to fit him. We find out as much as we can about the building construction, light and heat conditions, chance of promotion, etc.

And the third thing, and perhaps the most important of all, is that we follow up the children who are placed with a view not only to remedying our own mistakes, inevitable mistakes of placement, but in order to help the child develop while he is at work. We are in touch with the employer, get his opinion of the child as an employee, and try to bring him in touch with our evening and continuation schools and with the evening centers, in every way developing him as a citizen as well as an employee.

Mr. LEISENBERG. Let us make the first purpose of getting the boys back into the schools, or the children—let us make that plain first. Will you tell us just why you consider that very important?

Mrs. RODGERS. We find the question of juvenile maladjustment; we feel that the children coming out of the public schools, the elementary schools, are not properly equipped. There are very few opportunities for the boys of between 14 and 15 worth while. For that reason we feel that, although they may be ambitious, we ought to lengthen the time of education. We had expected, before the bureau was organized, to do only placement work and vocational counsel—

Mr. LEISENBERG. Will you tell us what that is?

Mrs. RODGERS. We found very shortly that the vocational council were not able to spend enough time with the children to keep them up. So we very soon began to develop this plan of pushing back by averages. Sometimes it only means a conference with the parent or child; perhaps the parent wants the child to continue in school, but the child does not want to go on in the same kind of school he has been in. We take him, perhaps, into a school of mechanics, and he changes his ideas right away. It is more to his own liking. We try to encourage them and make them see it in a better light. Then we find that oftentimes employment, either during the summer vacation or during after-school hours or on Saturdays, would make it possible for the child to go back, possible financially, and because the boy himself is only half interested in school, if he has worked the other half, he is perfectly well satisfied. Then we are putting more and more stress on meeting, if we can, the real financial necessities of the families in case of bright boys. Through the Natural Relief Agency we are getting scholarships for the private individuals.

Mr. LEISENBERG. Would you think it advisable to prohibit some of the children from going into employment if your advice were not accepted—that they should go back to school?

Mrs. RODGERS. There are many children who should not, of course, go on.

Mr. LEISENBERG. Have you many cases of that kind, where you have advised children to stay in, going to school, and they insisted upon going to work?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. What do you do in cases of that kind?

Mrs. RODGERS. We have sometimes felt, if it is physical inability, we appeal to the physician, perhaps, or to the—in case all the family is under probation, we have been able to bring the pressure of the court to bear, but it has been only done in individual cases and through haphazard methods. We are trying not to register; we are trying to crowd back all children between 14 and 16 in school; but in Massachusetts, of course, children are allowed to work, of course.

Mr. LEISENBERG. Will you explain who supports your bureau?

Mrs. RODGERS. It is supported cooperatively by the public schools and two women's organizations. The public schools, the school committee, give us official recognition and in addition to that free rent and office room, light, heat, and janitor service, but the salaries and other expenses are paid by two women's organizations. Our budget last year was \$7,000. This year it will be twice that.

Mr. LEISENBERG. What will the budget be this year?

Mrs. RODGERS. About between fourteen and fifteen thousand dollars.

Mr. LEISENBERG. How many people do you have actively engaged in the work?

Mrs. RODGERS. It has fluctuated between 3 and 20. Our busy time comes the 1st of May, when we register children who can not go into high school—say they can not—and the placing is over by the 1st of August.

Mr. LEISENBERG. You do not place anyone during the other period?

Mrs. RODGERS. Yes; we place all drop-outs.

Mrs. LEISENBERG. You have your office in the schools?

Mrs. RODGERS. In connection with the employment certificate office of the public schools.

Mr. LEISENBERG. Who issues the employment certificate—the school authorities?

Mrs. RODGERS. The school authorities, under the laws of Massachusetts.

Mr. LEISENBERG. What is the second kind of work that you do?

Mrs. RODGERS. Placement. Keeping in schools and follow up.

Mr. LEISENBERG. Will you tell us how you carry that on; how you get your orders; and whether you inspect the places of employment, etc.?

Mrs. RODGERS. We first work in connection with the public schools, for we are allowed the records of the children leaving the schools. We now register only those children sent to us by the public-school officials. We are allowed their scholarship records, their physical conditions, etc. And then, through the chamber of commerce, there are many applications for children. We investigate the position which is offered. We have on file about 1,200 schedules of firms, schedules which have been given to us by private organizations already investigating. Then the same person who knows the child makes a study of his school record; also goes to see his physician, and patches the two together.

Mr. LEISENBERG. The person who knows the child from his school record visits the place of employment and vacancy that is open to see whether the two fit?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. That is the practical way in which you carry on that placement business?

Mrs. RODGERS. Yes.

Mr. LEISENBERG. Now, do you follow the child up afterwards?

Mrs. RODGERS. The job is followed up in three ways—three factors to the follow-up work—the parents, the child, and the employer. We place no child without the consent of the parent, and we try to get the parent's opinion as to the position, whether it is satisfactory from his point of view. We then send out inquiry blanks to the employer, asking what grade of work the child is doing; whether it is good, fair, or poor; whether the child has any habits interfering with his efficiency; and if the employer can make any suggestions in which that efficiency can be increased. Those reports form the basis of the follow-up work. As to the employer, we feared he would have little interest in filling out this report and would regard it as an imposition, but we find that they are full of suggestions that are being sent to us, as detailed as this: We see that the boy goes to night schools, takes mechanical drawing, that he improves his handwriting, and so on. Then we send for the child or the parent to come to the Noble centers; we use the public libraries and the schools, also as centers. And there we talk over the way in which the boy can make the next step forward and in which he can improve.

Mr. LEISENBERG. Your idea in placing these boys is to see that they have a place where there is some advancement for them?

Mrs. RODGERS. Yes, sir; so far as possible.

Mr. LEISENBERG. Some possible advancement in the future?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. Now, with the machinery you have, are you able to take care of all the children in Boston?

Mrs. RODGERS. Indeed not. We have registered 2,300 children only during the last two years.

Mr. LEISENBERG. Can you give any idea of the number of children that are attending school there?

Mrs. RODGERS. Probably 10,000 of those ages.

Mr. LEISENBERG. You get something like a fifth of them?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. You have very many more than 2,300 school children there? You do not get them all?

Mrs. RODGERS. No; that includes the registration, the 2,300.

Mr. LEISENBERG. What is the reason you do not get the others?

Mrs. RODGERS. In very many cases parents have positions for the children, and are in a position to direct and guide the child, which is, of course, the normal thing. I believe the parent should be the vocational counsel and guide; so there is a large class of children that we do not get.

Mr. LEISENBERG. Do you make any inquiries to find out whether those parents are putting those children in "blind-alley" employment, and other employment—

Mrs. RODGERS (interrupting). No; not so far. Now, the vocational schools are beginning to make some inquiries.

Mr. LEISENBERG. You would consider it important to see that those children that do go into industries on their own account are also followed up to see that they do not go into these occupations that pay relatively high wages while they are young?

Mrs. RODGERS. Yes; but we will have continuation classes under our law, which will apply to children between 14 and 16 in Boston after the 1st of September, and they will be followed up by the school authorities.

Mr. LEISENBERG. Just what would the machinery be for following them up? What sort of people would do it?

Mrs. RODGERS. Every child between 14 and 16 must attend a continuation class. The teachers of these continuation classes in Boston will spend half their time in instruction in the continuation classes and one-half of their time in following up the children in the industries in which they are engaged. The placement bureau then would do the placing and replacing, but the teachers will do the follow-up work.

Mr. LEISENBERG. So that when this law is in effect, do you think all the children will be met at the time they go into industries, and will get some kind of advice to put them into the occupation they are fit for?

Mrs. RODGERS. Between 14 and 16, but not between 16 and 21.

Mr. LEISENBERG. Well, what would you suggest for minors between 16 and 21? It seems that there should be some agency—

Mrs. RODGERS. That the placement bureau could step in there and furnish the supervision with the help of private organizations for the group between 16 and 21, or as long as it is necessary. Some boys get very quickly adjusted, and get into the right path and do not need supervision after 17 or 18, depending upon the individual a little, I should say.

Mr. LEISENBERG. That is to say, you would need to extend your agency—the placement bureau—to follow these children up after 16?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. You do none of that work at the present time?

Mrs. RODGERS. Yes, sir; we have a great many we follow up and report back to the schools of every child sent to us. Now we are registering with high schools. Last year we dealt with only the group of elementary children, but now this year we are registering a large number from the high schools.

Mr. LEISENBERG. Can you give us any idea of the occupations that you would recommend them to go into, and the kind that you keep them out of?

Mrs. RODGERS. I would have to generalize.

Mr. LEISENBERG. Can you give us any specific instances of what you have done?

Mrs. RODGERS. The children fall into three types, roughly speaking—the manual type of child, and you might say the salesman type of child, and then the clerical type. You can not prophesy the exact place in the industries for each child. We simply try to get them into the kind—the mechanical child into some mechanical industry, and the salesmanship type of child into some store, and the clerical type are handled likewise. Personally, I do not believe there is any "blind alley" job provided you can get a boy out of it before he is conscious that it is a blind alley. I do believe that patience and perseverance and courtesy and certain virtues can be brought out in even positions that apparently have no future. If the boy stays too long in them, they have no future for him. But under good, clean business that is established, I feel that he is learning something which he can use in some other position. I would not hesitate at all about putting a boy in one position with a certain type of

firm, though I knew that at the end of the year I should have to change him into some other position.

Mr. LEISENBERG. Let me go a little further into that. You do not object to a boy going into what is sometimes called "blind-alley" employment, ordinarily so considered, if you have the opportunity to take him out of there before the time that he gets sick of it and begins to drift around?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. Now, are you able to, with your placement bureau, to take that boy out of the position that he is in and put him in a more promising position?

Mrs. RODGERS. Yes; through the follow-up system. I should say the placement without the follow-up system would be pernicious. But by the follow-up system we get him out of the position when he has gotten out of it all he can, and we keep him moving on.

Mr. LEISENBERG. So that if you have a properly organized juvenile placement bureau, with the follow-up system, there would not be so much danger in having children work at these "blind-alley" employments?

Mrs. RODGERS. I don't think so.

Mr. LEISENBERG. Particularly if they were required to go to school—

Mrs. RODGERS (interrupting). Yes, sir.

Mr. LEISENBERG. Yes; during that period?

Mrs. RODGERS. Yes; and that they were being developed constantly by business classes and also the continuation schools. Some boys have not discovered themselves at 14, and the only thing you can do for them is to put them in any kind of work that is wholesome, and then watch them develop and change them from that into something better as soon as—

Mr. LEISENBERG (interrupting). What is the relation between your Boston Placement Bureau and the juvenile department conducted in connection with the Boston free employment office?

Mrs. RODGERS. We cooperate.

Mr. LEISENBERG. Do they work along the same lines that you do?

Mrs. RODGERS. They ignore the cumulative evidence of the school as to the child's individual characteristics. They get no school records to work on, and they do not investigate the positions into which they send the children, and they have no follow-up system.

Mr. LEISENBERG. And you would consider that a bad way of placing children? Mrs. RODGERS. I do; because it ignores the fact that the first few years of the child's life should be directed, it seems to me, by educational forces among the community.

Mr. LEISENBERG. Now, what would be accomplished by that kind of direction which is not accomplished now without such direction?

Mrs. RODGERS. Please restate your question.

Mr. LEISENBERG. Just what do you do? What is the effect of that direction as it acts, now, that you do not have now?

Mrs. RODGERS. You mean in sending people to employment?

Mr. LEISENBERG. No; in the office where you have the direction and follow up, what do you accomplish by that that the other offices do not accomplish?

Mrs. RODGERS. I think we eliminate—judging by statistics—we eliminate, naturally, the unemployment of the group of children, because we see that every child who is not employed is put back in school under the new law. We report to the truant officer. By various means I believe we have been able to eliminate what is called adolescent restlessness in employment. We have made an intensive study of a group of children that have been under our supervision for one year. At the end of that time 65 per cent of the children were still in their first employment. They had made no change whatever, showing that these cases had been fitted in the place and were succeeding. Then, there was 25 per cent more than that made only one change, so that 85 per cent of the children that we have supervised had made no change whatever or only one change during the year. I have made no comparative study, but I feel sure that it is a larger proportion than is shown by the unsupervised children.

Mr. LEISENBERG. That was the record of placements that your bureau made?

Mrs. RODGERS. Yes, sir.

Mr. LEISENBERG. And you have not made any comparison with what children, ordinarily, under permits—

Mrs. RODGERS (interrupting). No; we have not. But we are about to make that intensive study and see.

Mr. LEISENBERG. Testimony was given here this morning that in Baltimore, in the four months, some 2,400 permits were issued, and some 1,400 changes took place in those four months.

Mrs. RODGERS. Under the present system I think that we have been able to increase the efficiency of the employer; 95 per cent of the children of that same group were satisfactory from the standpoint of the employer. Only 5 per cent have been rated as wholly unsatisfactory and have been discharged. I have just made a second study of the last employers' reports and find this year that it is a little lower; that only 4.1 per cent of the children have been rated poor, and that 95 per cent and a fraction were either doing fair, good, or excellent work.

Mr. LEISENBERG. Let's get that now. The records of your placements on the part of the children showed 65 per cent of them stick to their jobs, and that 25 per cent more made only one change in the year—

Mrs. RODGERS (interrupting). That is right.

Mr. LEISENBERG. So that shows that the boy is satisfied with the kind of work that he has gone into, and that the ordinary restlessness that comes to the adolescent is more or less eliminated. On the other side is the fact that there are only 4 or 5 per cent of the children reported poor by the employer, which shows from the employers' side that you have succeeded in placing the boy in the position that he was fit for.

Mrs. RODGERS. Yes; I don't think the 15 per cent change should always be put to the discredit of the boy, because many change in order to improve themselves. An employer wrote me the other day on the reply card that a boy who had been with him a year had gone as far as he could in that establishment, and that he would like to have us put the boy—move him one step onward and send him another boy to take that place, to be trained and ready for the next step.

Mr. LEISENBERG. Can you tell us anything about the percentage of the children that are of immigrant parents or born in the old country?

Mrs. RODGERS. Yes; I could give you the proportion. Of the 2,297 children registered up to the 1st of May of this year, 1,780 were American born and only 508 were foreign born. We are just beginning to get through our connections this year the immigrant class. We have not had them up to this time.

Mr. LEISENBERG. Do you consider that without this kind of a bureau this restlessness that children have tends to put them into the unemployable class or into the casual labor class?

Mrs. RODGERS. I should say in the future. And also at present we are finding, of course, a great problem in placing the children coming to us from the evening schools, those that have been—distinctly minors. All of this does take a great deal of machinery, to place one, first, to find out through interpreters, what the young man has been doing in his own country, and then try to fit him into an American position in which he can succeed. We are finding that he belongs to what I should call the handicapped. I think underlying the failure of the State free employment bureau to meet the needs of the juvenile, it is really the ignoring of the fact that the bringing together work and worker is a very large field with many subdivisions, and that there is, in my mind, a very great difference between the work of the ordinary employment agency and the work of what I call, for want of a better term, a "placement agency." I should say a placement agency deals with a group of workers who need to be fitted together with the work more carefully, because they are handicapped for one reason or another. That is the immigrant who represents a group of men and women who are handicapped, or even juveniles, because of their not knowing the American conditions. Then you get the group of children who are handicapped because of lack of age and experience. That is the group we handle.

Mr. LEISENBERG. Let us go into that. You have an employment office for ordinary adults, Americans or others, that can speak English and know conditions, but that is only an information bureau that tells the man where the job is and tells the employer where the man is; and then they have to make their own bargain and get together?

Mrs. RODGERS. Yes. That is, presupposing that the adult is old enough or wise enough to choose from the opportunities.

Mr. LEISENBERG. And he is told all the conditions. But aside from those there are two classes of people who are not in a position to make their own choice—the juvenile, for whom you have to have a placement bureau, where you not only give them information but you actually place them in the job—give them the job and you follow them up.

Mrs. RODGERS. Yes.

Mr. LEISEN. And besides that there are the others who may be called children? That is, the recently arrived immigrants who do not know anything about the conditions in the country or the community, and they also would have to get more care and protection than merely granting them information of which they would not know how to take advantage?

Mrs. RODGERS. Then they have the other group, or the physically handicapped, both children and adults, and you also get the group of men on probation and boys on parole belonging, I believe, to that handicap class, needing especial care in fitting and special care in follow up.

Mr. LEISEN. Can you give us an idea of the ideal arrangement in a placement bureau for children? That is, what part should the school play and what part should the employment office people play, and obviously the people who place them should know something about the condition of the industry, and so on?

Mrs. RODGERS. I believe that the ideal juvenile placement bureau, or juvenile labor exchange, should be attached to the school system, that it will hold fast to the school all, because the schools have the information, the cumulative information about the child for at least seven years of his life, and that information as to physical condition, as to scholarship, as to mental make-up or the characteristics of life, should be, it seems to me, moved along, and put in the hands of the vocational counselors and secretaries, to be used for the child's benefit as he stepped into industry. Then, because the first three years of the child's life are more or less tentative and he ought to be growing all the time, it seems to me the schools should still keep their hands on the child, by follow-up work, and bringing him in touch with the evening schools and evening centers. At the same time, it seems to me that the State boards of labor and industries should be in a position to furnish us with the information about industrial conditions, because our own board of labor industries has been recently organized, and is not equipped to do that. I have had to get from various sources information about industries, using students in making investigations, but I don't believe it is ideal.

Mr. LEISEN. The point there is that the school authorities—ordinarily the vocational counselors would not be in condition to know the exact condition of industry, and it would be necessary to connect themselves up with some authority that does know.

Mrs. RODGERS. Yes; the trained workers.

Mr. LEISEN. Yes.

Mrs. RODGERS. Should be constantly visiting the industries and telling us about the condition; and the State boards of labor and industry, the factory inspectors, probably, are constantly gathering that, and it seems to me that should be available for practical use by the school group.

Mr. LEISEN. Are you familiar with the organization of the juvenile labor exchange in Great Britain, say, Edinburgh?

Mrs. RODGERS. Not from personal investigation, but through reading.

Mr. LEISEN. Do you know just how the board of trade and the school authorities work together on that?

Mrs. RODGERS. The board of trade supports, in London, 20 juvenile labor exchanges. The school officials send children leaving the schools to those labor exchanges. That is, the bureau is really attached to what would be our board of labor and industry, and not to the schools. It seems to me that is the way. In Boston, perhaps, we have the advantage, because we have held fast to the school authorities.

Mr. LEISEN. Do the school authorities of London have any say in the management of these juvenile exchanges?

Mrs. RODGERS. I believe not; except as they are represented on the advisory board and aftercare committees.

Mr. LEISEN. Do you know the arrangements in Edinburgh where they have both together?

Mrs. RODGERS. They—the same group. The connection is very much closer, I understand, in Edinburgh. And then it would seem to me that the opportunities for employment should come through the State free employment offices. Those positions should be used by this group of workers working with the children. We have been able, in a few instances, to get the State free employment offices to do for us what, it seems to me, would be the ideal thing—to hold up a position until the placement secretary, who knows the child, could go and look at the opportunity and even fit the child into it. But under their present systems they send a great many young people to

one position to apply, they know nothing about the child, and they have not seen the opportunity. And when we ask them to give us the position and not to send anyone else to it until we can see whether or not our boy fits in, we are asking them, of course, to make an exception in their rule, which they have been willing to do in a few cases, but will not do ordinarily.

Mr. LEISENBERG. Have you done anything along the line of having boys apprenticed to learn a trade?

Mrs. RODGERS. No; we have very few opportunities for apprentices. In Boston, however, we are just getting connections now with the Fore River Shipbuilding Co. We have one or two boys there and hope to have more, and with the General Electric Co., but we have not a large number.

Mr. LEISENBERG. You think, then, there is very little opportunity for children to learn trades in the regular way of being apprenticed, but that they would have to be—

Mrs. RODGERS. Between 14 and 16—very.

Mr. LEISENBERG. They would have to be over 16?

Mrs. RODGERS. Yes.

Commissioner BALLARD. Do you favor making 14 the age when children are allowed to leave school, or do you prefer 16?

Mrs. RODGERS. Sixteen; provided—if I may make an exception—provided the present school systems are able to hold the attention of the children in school and give them further training. Under the present conditions in Boston, I should say no. Probably a year later, and after the continuation schools have been established, and two special schools now in the making, I might be able to say yes. But if the schools can train the children up to 16 they should, with few exceptions.

Commissioner BALLARD. Do you find that these children at 14 who leave school and for whom you found places in many cases—do any appreciable number of those children go back to school after a few months or a year?

Mrs. RODGERS. I am quite happy to say many of them are willing to return in September.

Commissioner BALLARD. Are any appreciable number disposed to do that?

Mrs. RODGERS. A small percentage—not very large, I am sorry to say.

Commissioner BALLARD. Suppose we had started continuation schools in Boston, would it be good to have those schools in buildings owned by the community, or would they, perhaps, carry the continuation school into the factory and have the continuation work done there?

Mrs. RODGERS. They are already beginning part time work in the shops and part time work in the school, the academic work that is being done, in the case of salesmanship and in the case of clerical work.

Commissioner BALLARD. It could be done in a building owned by the community, or will they attempt to have some lessons in the factory itself?

Mrs. RODGERS. So far as I know, it is still within—the academic work, within the school building, and the practical work in the shop.

Commissioner LENOX. Mrs. Rodgers, has there been a sufficient development of the results coming from the continuation schools to warrant you in having formed any conclusion as to their effect upon the successes of the children that you placed?

Mrs. RODGERS. No; because the continuation schools, whatever were started in Boston, the teachers are in training now, with very few exceptions. There were two or three classes, but the continuation schools under the new law do not come into operation until September. As I understand, from talking with the people in Cincinnati, that continuation schools do help to discover the boys' aptitude. For instance, a boy in the messenger service might, through the continuation classes, show a great deal of ability in wordworking, and at that time, where he discovers interest, he is to be replaced.

Commissioner LENOX. I wish you could visit the Cincinnati place. They found there that boys and girls that are placed where they don't seem to be long, yet, with the benefit of the continuation school, they make good even in a place where they are not just fitted to make good.

Chairman GARRETTSON. If the vocational schools, not in the sense of continuation schools at all—

Mrs. RODGERS. Yes.

Chairman GARRETTSON. But if the vocational feature was embodied in all the public school systems, would it exert any influence in the development of individual preference that is, in your opinion, on the part of the scholar, that

when he comes to the period of leaving school, whether it is 14 or 16—that there has been a personal preference developed—would it have any effect?

Mrs. RODGERS. Very much. I believe that the continuation schools are going to open the way to the need of coming into the elementary schools, not waiting until the child is 14, and goes on into the industry, but they are going to result in modifying the whole school system so that during the last two or three years of the boy's life, in the elementary school, he is going to have a chance to try himself out, but now it seems to me he comes out of the school perfectly gulleless. I am not talking as a school man, because I am not a school man, I am talking as a visitor.

Chairman GARRETSON. Have you noticed this: That the vocational school does tend to strongly develop a personal preference, and to a certain degree indicate fitness, even in the immature child?

Mrs. RODGERS. Yes. We found the boys who come out of the schools where there has been some—there have been what we call in Boston pre-vocational classes in woodwork and sheet-metal work—they come out with a handle on them that we can get hold of. I mean, a boy has an interest. He may change his interest and we may have to modify it, but he does not come out saying, "I don't care what I do, I don't know." He comes out and says, "I think I would like to work with a roofer; I would like to work with sheet metal; I would like to go into a printing establishment." Although, later, it may prove that he is not fitted to printing; at least, we have had a chance to try him out through his own preference.

Chairman GARRETSON. Does he come to the stage where he wants to be a pirate or a policeman?

Mrs. RODGERS. That is the next stage.

Chairman GARRETSON. If you are confronted with the question, from your experience, which do you believe is of the greatest value, nationally speaking, conservation of the child or of the immigrant?

Mrs. RODGERS. You say, taking out of the immigrant the child—the immigrant class?

Chairman GARRETSON. Putting the child, whether it is immigrant or native, and contrasting it with the adult immigrant?

Mrs. RODGERS. Why should one have to choose, Mr. Chairman? Why should one have to choose?

Chairman GARRETSON. Well, many people have been put to it. I simply desire your opinion as to which meant the most, if you could not handle both, which would seem the most desirable?

Mrs. RODGERS. I understand; I should be prejudiced in favor of the child if, by that you mean—

Chairman GARRETSON. Would it necessarily be prejudice?

Mrs. RODGERS. I mean, if you mean by that shall we choose between getting a comprehensive system of meeting the child at the school door and helping him over into industry for the first few years of his life, every child now in the public schools, and meeting those immigrants who come to us too late to modify, perhaps. I should say it was more important for our national life to get hold of the great mass of children coming out of school between the ages of 14 and 21.

Chairman GARRETSON. Another thing, as a result of your experience in the employment of children, especially preceding and during adolescence, has your experience led you to believe that treadmill performance, deadly routine, has a more depressing effect on the child or on the adult or has it not?

Mrs. RODGERS. Yes, sir; I should say that it has. We get a great many tragedies at 18, coming into the placement bureau, or from the great factories where those boys have gone at 14 at high wages, doing mechanical work. They have done it for four years. They reached the limit of income; that is, they reached their earning capacity there, and they come out to us at 18, deadly tired of it, and not having any idea of the next step. They have been doing treadmill work. They know nothing else but that one machine. They don't know what else is going on in industry. After four years of life in industry, they are as blind as the boy of 14 as to the opportunities there are for them to do. I should say in our placement work those 18-year-old boys are coming out of industry, they are great tragedies.

Chairman GARRETSON. Labor, then, for children at this age, if it was of a character that not only did not blind them to as deadly hours and speeds as that performed by older people, and if it furnished stimulation to the brain as well

as exercise to the muscles, it would not have the same injurious effect that it has?

Mrs. RODGERS. No, sir. It would be possible for the boy to be developing all those precious four years, which he is not doing now. I know one of my secretaries, in going through a great factory, she thought she knew what entered into the making of that article, and she asked the first girl who was sitting at the bench what part of that thing she was doing with the machine, what that part played in the completed article. The girl didn't know. The secretary went on down the line, not a girl knew what she was really making and several of them had been working three or four years at that occupation.

Chairman GARRETSON. She got to the stage where she didn't really care?

Mrs. RODGERS. She didn't know; nobody had told her.

Commissioner O'CONNELL. You have the 16-year-old limit in Massachusetts, haven't you?

Mrs. RODGERS. No, sir. Children between 14 and 16 are allowed to work eight hours a day only in factories.

Commissioner O'CONNELL. There is an effort now being made in Massachusetts to decrease it to 14?

Mrs. RODGERS. Last year there was an effort made, but it failed. I don't know how the present law will succeed.

Commissioner O'CONNELL. Have you any associations with the employers in any way, in connection with them, in getting children work in factories?

Mrs. RODGERS. If I may answer your question in a roundabout way, the board of directors is made up of representatives of the school committee, the chamber of commerce, because they represent the most progressive organization in industry in the city, one member of each, financing the experiment, and one teaching in the Boston schools. Through the interest of the member of the chamber of commerce, we have been investigated and indorsed, and we are constantly advertising through the publication, the weekly publication of the chamber of commerce. Then we also are in touch with the employment managers' association, a new organization. One of the members of my staff has been elected a regular member of that, and comes in contact with employment managers. Employment is found through advertisements and circularizing the chamber of commerce members.

Mr. LEISERSON. That is all, Mrs. Rogers.

Chairman GARRETSON. Call your next.

Mr. LEISERSON. I will call Mr. Cleland.

TESTIMONY OF MR. ALEXANDER CLELAND.

Mr. LEISERSON. What is your name, please?

Mr. CLELAND. Alexander Cleland.

Mr. LEISERSON. And what is your position?

Mr. CLELAND. Secretary of the joint committee on prison reform.

Mr. LEISERSON. How long have you been in this work?

Mr. CLELAND. Just one month.

Mr. LEISERSON. Prior to that time you were secretary of what?

Mr. CLELAND. Of the State Commission of Immigration of New Jersey.

Mr. LEISERSON. You were secretary of the State Commission of Immigration in New Jersey?

Mr. CLELAND. Yes, sir.

Mr. LEISERSON. How long did you work in that capacity?

Mr. CLELAND. Two years.

Mr. LEISERSON. Prior to that what was your experience?

Mr. CLELAND. I was chief investigator for the North American Civic League for Immigrants.

Mr. LEISERSON. Prior to that?

Mr. CLELAND. With the State, New York, Commission of Immigration, chief investigator.

Mr. LEISERSON. And your main interest in the immigration work was what?

Mr. CLELAND. The protection of immigrants; looking out for the welfare; finding out the best method of protection for immigrants; providing industrial and educational opportunities.

Mr. LEISERSON. While you were employed by the New Jersey Immigration Commission did you make an investigation of private employment agencies?

Mr. CLELAND. Yes, sir. We investigated 184, I think. There are over 200 in the State of New Jersey.

Mr. LEISENBERG. You investigated 184 of them?

Mr. CLELAND. Yes.

Mr. LEISENBERG. Can you tell us as a result of your actual experience, whether any employment agencies are necessary?

Mr. CLELAND. Yes, sir; I think we have got to have some information center.

Mr. LEISENBERG. Will you give us just the reason? What is it that an employment agency accomplishes that makes them necessary?

Mr. CLELAND. They save the time of the man from wandering from factory to factory. They localize the source of information.

Mr. LEISENBERG. Is that an element at all in the problem of unemployment? Does it eliminate any part of the unemployment at all, in your opinion?

Mr. CLELAND. Yes, sir; I think it does.

Mr. LEISENBERG. A large part or a small part?

Mr. CLELAND. Quite a considerable part.

Mr. LEISENBERG. You think a large part of unemployment is caused by men failing to connect?

Mr. CLELAND. Not a large part. I should say a considerable part.

Mr. LEISENBERG. A considerable part of unemployment is caused by mere misadjustment?

Mr. CLELAND. Yes, sir.

Mr. LEISENBERG. Of the man and the job not meeting?

Mr. CLELAND. Yes, sir; I think that is true.

Mr. LEISENBERG. Can you tell us as a result of your investigation of the private employment agencies, do they perform those services? Do they do it well or badly, or how?

Mr. CLELAND. In my judgment, they do not perform the service at all. In very few cases they do perform the service. They are simply there to collect the fees and make a living. Finding employment or getting information is a secondary consideration.

Mr. LEISENBERG. Can you give any examples or give any reason for your statement?

Mr. CLELAND. Well, in the first place, the ordinary employment agency in New Jersey violates in every particular, practically, the State laws governing the regulation of employment agencies. They fail to keep books; they fail to keep any record of the number of applications; fail to keep a record of the people who have been sent out to jobs; and fail to obey the State law in having a proper place to receive their applicants for positions. When you go into a private employment agency and try to get any information when a case of complaint comes to you, it is practically impossible in the majority of cases in New Jersey, because of the fact they keep no records. You have no idea—we have had many complaints of men claiming to have been exploited, and in going to the agency it was impossible to find that the man had ever been in the agency. The State law expressly says that the agency shall keep a record.

Mr. LEISENBERG. Why is the law not enforced?

Mr. CLELAND. It is a State law and empowers the municipality to collect the license fee and see that it is obeyed. Only 15 of the municipalities enforce the license fee, or regulation, and in most of those 15 it was merely for the sake of collecting the license fee and not for the real purpose of regulating properly the agency.

Mr. LEISENBERG. Do you have many cases of complaints against private agencies—private employment agencies—which you could not verify because there were no records?

Mr. CLELAND. Yes, sir; we had quite a number. And, furthermore, we went around to the agencies and investigated in every case as to whether they kept agency records or not, and we found that in a very, very small percentage such records were kept. Sometimes they were kept on pieces of scrap paper.

Mr. LEISENBERG. Can you give us an idea of the character of complaints against the agencies?

Mr. CLELAND. Largely exploitation; taking fees, telling the applicant to come back after a certain period, and then failing to find employment or to return the money.

Mr. LEISENBERG. Those were the complaints, in the main?

Mr. CLELAND. Yes, sir. The moral conditions in a good many agencies were deplorable.

Mr. LEISENBERG. Some were?

Mr. CLELAND. Yes, sir; some for the immigrant women.

Mr. LEISERSON. What investigation did your commission make?

Mr. CLELAND. We recommended a State bureau employment agency—public employment agency—on the lines of the Wisconsin agencies.

Mr. LEISERSON. Do you think that it would be possible to eliminate those abuses of which complaints were made to you by any system of strict regulation of the agencies?

Mr. CLELAND. Absolutely. The moment you begin to strictly enforce the law I should say that 50 per cent of the agencies in New Jersey would be out of business. That is because they have not the proper equipment to live up to a decent law.

Mr. LEISERSON. Then your idea in regard to private employment agencies might be stated in this way: In the first place, they do not perform the service of bringing the man and the job together well. There are very many abuses, and if you try to enforce the laws the greater part of them would be put out of business, so there would be practically no attempt made to bring the man and the job together?

Mr. CLELAND. I think that is so.

Mr. LEISERSON. Do you think it would be possible for a good many men to run honestly a private employment agency?

Mr. CLELAND. Well, to answer that, there are probably about 28 employment agencies in Jersey City. I believe, under very strict enforcement of the law, probably only about a half a dozen would survive, and those men might make some money, but their power to really connect up the man with the job is very limited.

Mr. LEISERSON. That is what I wanted to know. Assuming you had a very strict enforcement of the law, would those that remain be able to perform this service, to remove this considerable amount of unemployment that you speak of, due to the inability of the men and the jobs to meet?

Mr. CLELAND. It might meet a local situation.

Mr. LEISERSON. So that, as a result of your experience, you would say that the private employment agency, whether strictly regulated or not, can not meet the situation?

Mr. CLELAND. I do not believe they can.

Mr. LEISERSON. Did you make any investigation of public agencies—those that are not operated primarily for profit, say, the Y. M. C. A.'s, or something like the national employment exchange?

Mr. CLELAND. We have nothing of that kind practically in New Jersey. There are so few of them.

Mr. LEISERSON. Didn't you have some experience yourself in connection with an employment exchange of the Y. M. C. A. in Chicago?

Mr. CLELAND. Yes, sir; I was four years employment superintendent there.

Mr. LEISERSON. Can you give us your opinion as whether it would be possible for a philanthropic agency of that kind to meet the situation?

Mr. CLELAND. No, sir; I don't think it would. In the first place, when I was in Chicago in charge of the agency the first thing put up to me was the fact that I had to make my own expenses, and in making my own expenses, with a limited number of applicants, it was practically impossible, and unless a philanthropic agency was very well subsidized I do not believe it could do the job. Furthermore, it would not have the source of information that a State department would have. There are a great many things that you will find out in operating an employment agency—that a philanthropic agency would not be in position to get the information that a State or Federal employment agency would get.

Mr. LEISERSON. Then if a philanthropic organization charges any kind of a fee, so that it might not be considered charity, do you think the charging of the fee interferes with the bringing of the applicant there for performing the service?

Mr. CLELAND. Yes; I have found this very often in Chicago in dealing with a number of young men. We dealt largely with young men. A young man would come in and we would tell him that we had a position and that he fitted it, but he failed to have the \$2 or \$3 necessary to pay the fee, and up against the fact that I had to make the expenses of that bureau I was forced to give the job to the man who was financially well equipped, but the other one had no money, and I was compelled to turn him down.

Mr. LEISERSON. Was it the conclusion of your commission that philanthropic agencies could not be depended upon to meet the situation?

Mr. CLELAND. That was our conclusion.

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Mr. LEISERSON. Did you make any investigation as to employment agencies conducted by employers' associations?

Mr. CLELAND. I don't know of any in New Jersey. A great many of the men who find positions in New Jersey find them either in Philadelphia or in New York, and a good many of the agencies, at least several of the agencies that have been driven out of New York, have gone over to Hoboken, but there is no centralized authority in New Jersey where a man can secure any information. For instance, if he wants to find a job about a farming house very often he has to go over to the Federal bureau in New York, and then he is sent to southern New Jersey. He works two or three months and has to come back to New York to get information, and then he is probably sent back to New Jersey within 2 or 3 miles of where he previously left. If he works in southern New Jersey, he has got to go to Philadelphia for his information. If he works within 20 miles of New York, he will usually come here.

Mr. LEISERSON. Have you ever had any experience at all with employment offices conducted by employers' associations?

Mr. CLELAND. No, sir.

Mr. LEISERSON. Would you think it advisable to leave this function of bringing the man and the job together in the hands of employers' associations?

Mr. CLELAND. I would not.

Mr. LEISERSON. Why not?

Mr. CLELAND. I think the employer is a very interested person. I think if a man was to depend entirely on the employer for his information he would get the kind of information the employer wanted to give him. I am not saying the employers might not treat their men fairly, but there are employers who do not. I think the function ought to be either State or Federal.

Mr. LEISERSON. Would you, on the other hand, leave the function in the hands of the labor unions?

Mr. CLELAND. No, sir; I do not think I would.

Mr. LEISERSON. On the ground that they, too, are interested on one side?

Mr. CLELAND. Yes, sir. I think their vision is limited by their own job.

Mr. LEISERSON. Therefore the conclusion of your committee was that this is a State function in which all parties—employers and employees, and the public in general, consumers, foreigners—would have an equal influence in the conduct of the agency?

Mr. CLELAND. Yes, sir; I think they ought to. I go further than merely a State agency, because we found that even if we had State agencies there were forms of exploitation that State agencies could not eradicate. In cases exploited from Pennsylvania or New York and your State Department could not do much effective work unless he secured the cooperation of the Pennsylvania people on this side.

Mr. LEISERSON. In the course of your investigation have you run across any cases of collusion between an employment agent and the foreman and the boss that was hiring the men?

Mr. CLELAND. We have found a good many complaints, but found it very difficult to get the facts, mostly for the reason that the complaints were made by foreigners, and that while you were making the investigation they disappeared and go to another job. They did not hang around and wait until the complaint was investigated.

Mr. LEISERSON. Have you had many of that kind?

Mr. CLELAND. Quite a number.

Mr. LEISERSON. Where it was impossible to verify?

Mr. CLELAND. Yes, sir.

Mr. LEISERSON. Did you go through the plan of the commission for a national system?

Mr. CLELAND. Yes, sir. I have looked it over.

Mr. LEISERSON. Have you any criticisms or suggestions to make on it?

Mr. CLELAND. No, sir; I think the plan, so far as I have studied it, is a workable plan, and would be of great advantage to a man who is looking for a job. I think the bill is very well drawn.

Mr. LEISERSON. Did your commission make any investigation into conditions in places where men are sent from the employment agencies?

Mr. CLELAND. No, sir.

Mr. LEISERSON. You made no investigations of labor camps?

Mr. CLELAND. No, sir. At the present moment there are no labor camps to any extent in New Jersey.

Mr. LEISERSON. There are no industries of that kind in New Jersey that employ a large number of men and bunk them in railroad cars or barracks of any kind?

Mr. CLELAND. There is only one camp that I know of in New Jersey.

Mr. LEISERSON. Did you make an investigation of that?

Mr. CLELAND. Yes, sir.

Mr. LEISERSON. Can you tell us what you found?

Mr. CLELAND. Well, it was the usual bunk house there.

Mr. LEISERSON. Tell us what the usual bunk house is. We want to know about it.

Mr. CLELAND. Well, there were large sheds.

Mr. LEISERSON. What is the industry, and where was it?

Commissioner O'CONNELL. There is a difference of opinion whether they should have sheets.

Mr. CLELAND. It was on the Pennsylvania Railroad.

Mr. LEISERSON. Pennsylvania Railroad.

Mr. CLELAND. Yes, sir. Rahway.

Mr. LEISERSON. Railway cars?

Mr. CLELAND. No, sir; buildings especially built for the construction company when the job was going on.

Mr. LEISERSON. About how many men employed?

Mr. CLELAND. About 150 when I was there. I understand more since.

Mr. LEISERSON. Can you remember about the size of the place they were bunked in?

Mr. CLELAND. I think they were 24 by 18.

Mr. LEISERSON. One hundred and fifty men there?

Mr. CLELAND. Oh, there were several. I don't recall how many places there were, but the conditions were exceptionally good for a construction camp.

Mr. LEISERSON. Will you describe what you consider exceptionally good conditions? Did they have beds or bunks or bedding?

Mr. CLELAND. Each man supplied his own bedding.

Mr. LEISERSON. The man had to supply his own bedding?

Mr. CLELAND. Yes, sir. He supplied his mattresses, and so on, clothes, as I recall it.

Mr. LEISERSON. Was that two or three high?

Mr. CLELAND. Two, as I remember it.

Mr. LEISERSON. Two men in a bunk?

Mr. CLELAND. One man in a bunk.

Mr. LEISERSON. One man in a bunk?

Mr. CLELAND. Yes, sir. At the time we made the investigation of that camp it is hardly fair to go into extended talk on that, because it was a new camp at the time that we went there, and a place that probably later on would hold 12 or 14 men only 3 or 4 were in.

Mr. LEISERSON. We want to know what accommodations were furnished in the beginning; we want to know the good conditions as well as the bad. Have you any idea of the amount of air space that was given to each individual?

Mr. CLELAND. No, sir; I have not.

Mr. LEISERSON. There are no regulations in the State of New Jersey applying to camp conditions at all?

Mr. CLELAND. The State board of health has the power to enforce the proper sanitary laws. I don't know whether they are specific or not.

Mr. LEISERSON. Have you had in any other capacity dealings with men who generally board in camps?

Mr. CLELAND. No, sir.

Mr. LEISERSON. You have made no investigation of that?

Mr. CLELAND. No investigation; no, sir.

Mr. LEISERSON. That is all I have.

Commissioner O'CONNELL. You say that in the New Jersey investigation it was shown that the moral conditions were very bad?

Mr. CLELAND. Yes, sir.

Commissioner O'CONNELL. Do you mean that those offices were being used for white-slave purposes?

Mr. CLELAND. No, sir; but our investigators found that in asking if they could obtain services they could get the employment agency to furnish what were disorderly houses they were able to get women for that purpose, and our own investigators have been given the addresses to find employment in places that were assignation houses. In 19 out of 20 we found that it was possible to talk

to them about hiring servants for an alleged disorderly house. In one place we took 4 women out, and we gave the employment agent 18 months in a penitentiary.

Commissioner O'CONNELL. You found only the one case?

Mr. CLELAND. Yes, sir; because we were not a prosecuting body and had no funds. The State of New Jersey failed to appropriate any money for the commission of immigration, and the work was carried on as we got the money.

Commissioner O'CONNELL. Was there no other means of prosecuting them in the State?

Mr. CLELAND. Yes, sir; but we were a body to investigate, and we turned over a good deal of our stuff to the local authorities.

Commissioner O'CONNELL. Is it your opinion that that situation would follow pretty generally in the employment agencies throughout the country?

Mr. CLELAND. Throughout the country?

Commissioner O'CONNELL. Yes.

Mr. CLELAND. I don't know as to that. I would hesitate to make a statement unless I had thoroughly gone into it.

Commissioner O'CONNELL. You say when you were acting for the Young Men's Christian Association in Chicago the arrangement was that your expenses were to come out of the money that was secured from employment?

Mr. CLELAND. Yes, sir.

Commissioner O'CONNELL. If you had built up the business enough to make it pay profits, would you have got all the profit?

Mr. CLELAND. No, sir. After salaries and expenses were paid anything additional went to the association, to the general fund.

Commissioner GARRETTSON. Are there any questions?

Commissioner LENNON. I want to ask one question. Perhaps it is not just pertinent, either. I understand you are connected with some prison-reform association at the present time?

Mr. CLELAND. Yes, sir.

Commissioner LENNON. Have you given any consideration to the matter of securing employment for convicts when their term expires?

Mr. CLELAND. No, sir.

Commissioner LENNON. Not at all?

Mr. CLELAND. No, sir. I have only been a month on the job.

Commissioner LENNON. That is all.

Commissioner GARRETTSON. That is all I have.

Mr. LEISERSON. I will call Mr. March.

TESTIMONY OF MR. JAMES E. MARCH.

Mr. LEISERSON. Will you state your name, please?

Mr. MARCH. James E. March.

Mr. LEISERSON. Will you state your business, please?

Mr. MARCH. I am in the real estate business now.

Mr. LEISERSON. How long have you been in that business?

Mr. MARCH. Five or six years.

Mr. LEISERSON. Prior to that time you were in what business?

Mr. MARCH. I furnished the men for the Erie Railroad.

Mr. LEISERSON. You furnished the men for the Erie Railroad?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. You were in the employment business?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. You have not been connected—

Mr. MARCH. My brother runs it now.

Mr. LEISERSON. You turned it over to your brother?

Mr. MARCH. Yes, sir; but I am responsible for everything that goes on there.

Mr. LEISERSON. You are still connected with that business?

Mr. MARCH. Yes.

Mr. LEISERSON. In connection with your employment business, do you also have a commissary business?

Mr. MARCH. On the road; yes.

Mr. LEISERSON. On the road?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. Will you explain to us how your employment business is run with the Erie? Do you have a contract with the railroad to furnish the men?

Mr. MARCH. I have been there about 28 years, and we established stores for the convenience of the men.

Mr. LEISERSON. Before you came to the commissary department, let us talk about the furnishing of the men. Do you have a contract with the Erie Railroad by which you supply the men?

Mr. MARCH. No, sir; not exactly a contract. We never drew up any contract.

Mr. LEISERSON. How do you mean, then, that you supplied them, when you say you supplied for the Erie Railroad?

Mr. MARCH. I went on the road as an usher first; then I went as train starter, conductor; then the time came when they used a great deal of labor, and they put me in charge and allowed me to put in a commissary, but I never had any written contract.

Mr. LEISERSON. The Erie Railroad asked you to supply them with men?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. Do you have that privilege exclusively?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. No one else?

Mr. MARCH. Oh, well, there are four or five of us.

Mr. LEISERSON. There are some others?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. Do you have to pay for the privilege?

Mr. MARCH. No, sir.

Mr. LEISERSON. Was there anything paid to you for supplying the men by the company?

Mr. MARCH. No, sir.

Mr. LEISERSON. You charged the men how much for the fees?

Mr. MARCH. According to the law 10 per cent of the first month's salary.

Mr. LEISERSON. What was the salary?

Mr. MARCH. Sometimes \$1.25, sometimes \$1.50, \$1.60.

Mr. LEISERSON. A day?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. You charged them 10 per cent of the first month's salary?

Mr. MARCH. Yes, sir. I do not charge always the full amount, and sometimes do not charge them any.

Mr. LEISERSON. You are permitted to charge up to 10 per cent?

Mr. MARCH. Yes, sir. According to the law.

Mr. LEISERSON. About how many do you supply a year?

Mr. MARCH. Of course there are times when we never charge anything, any money at all. Many times. Men go there and work for years; when they go a second time we never take a second fee, never make a second charge. Work for 25 years.

Mr. LEISERSON. What kind of men do you supply? Track laborers?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. If you send a man to work on the track, say this year—

Mr. MARCH. Yes, sir.

Mr. LEISERSON. And he works there three or four months—

Mr. MARCH. Yes, sir.

Mr. LEISERSON. And the gang breaks up and he comes back to the city and he comes back to your office again, two or three months later, if he goes out on the Erie Railroad, you do not charge him again?

Mr. MARCH. If he is an old man, yes, sir; I do not.

Mr. LEISERSON. You never charge a second fee?

Mr. MARCH. No, sir. Never charge a second fee.

Mr. LEISERSON. So that it is customary among employment agencies?

Mr. MARCH. Well, I do it. Especially the old men. We are glad to get them.

Mr. LEISERSON. How many are there of those old men?

Mr. MARCH. Maybe an average of one thousand or two a year?

Mr. LEISERSON. Do you keep a record of all your old men?

Mr. MARCH. I do not keep a record, but I know them pretty well.

Mr. LEISERSON. You would be able to tell 1,000 of them, or 2,000 men who have worked on the Erie road within the last year?

Mr. MARCH. I have a good memory.

Mr. LEISERSON. Suppose you had a matter of dispute, and a man came and said, "I have been on the Erie Railroad last year."

Mr. MARCH. I keep a record.

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Mr. LEISENBERG. You never charge them a second time? If he came the second year?

Mr. MARCH. I would not say that.

Mr. LEISENBERG. How about it?

Mr. MARCH. We never charge a man if he left his work and came back within a week or 10 days or a month. I never charge him. If he comes back in a year or so, then he is a new man, but I do not charge him as much as I do the new man. We always charge him much less, and some of them we do not charge anything.

Mr. LEISENBERG. This railroad does not pay you anything?

Mr. MARCH. No, sir; not a penny.

Mr. LEISENBERG. About how many do you supply a year?

Mr. MARCH. May be 1,500 to 1,800.

Mr. LEISENBERG. Does your brother do that now?

Mr. MARCH. Not for the last eight or nine months. About 200, I guess.

Mr. LEISENBERG. Ordinarily about 1,500 or 1,800 a year?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Do you also supply other railroads?

Mr. MARCH. No, sir.

Mr. LEISENBERG. You do this exclusively?

Mr. MARCH. Yes.

Mr. LEISENBERG. How many of you are there there? You and your brother?

Mr. MARCH. Yes.

Mr. LEISENBERG. Do you have clerks?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. How many?

Mr. MARCH. Five or six.

Mr. LEISENBERG. Any others?

Mr. MARCH. About 10 inspectors.

Mr. LEISENBERG. Inspectors?

Mr. MARCH. Yes, sir. Go up and down the road and look out for the welfare of the men.

Mr. LEISENBERG. Those men go out on the railroads. Do they board themselves?

Mr. MARCH. Those that can board themselves, all right; but those that can not, we have to put a commissary store in.

Mr. LEISENBERG. What nationality are they mostly?

Mr. MARCH. Well, for the last two or three years it has been almost half Americans, easily half Americans.

Mr. LEISENBERG. About half of them are Americans?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Do the Americans board themselves?

Mr. MARCH. No, sir.

Mr. LEISENBERG. They do not?

Mr. MARCH. It is hard to get them started. You have to feed them before they go.

Mr. LEISENBERG. Are they the regular type of American hobo? White men?

Mr. MARCH. No, sir; there are some intelligent fellows among them.

Mr. LEISENBERG. You do not mean to say the American hobo is not intelligent?

Mr. MARCH. What I mean is that you might find 10 per cent or 5 per cent of the fellows don't want to work, but I call those fellows hoboes because they go out for a ride.

Mr. LEISENBERG. The only point I want to make is the general term for those men who regularly work on the railroad.

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Those known as hoboes in the West?

Mr. MARCH. No; not all of that type.

Mr. LEISENBERG. The white men do not board themselves? How are they boarded?

Mr. MARCH. By the commissary department of the store.

Mr. LEISENBERG. What does the commissary consist of? What do you do when you say you establish a commissary?

Mr. MARCH. Whatever they need, such as corned beef, roast beef, or anything I can can.

Mr. LEISENBERG. How about sleeping quarters?

Mr. MARCH. Some places we have houses and some places we put them in cars with iron bunkers.

- Mr. LEISENBERG. Iron bunks?
- Mr. MARCH. Yes, sir.
- Mr. LEISENBERG. And the houses have iron bunks?
- Mr. MARCH. Not all. We make them buy cots where we can.
- Mr. LEISENBERG. You make the men buy cots?
- Mr. MARCH. Yes.
- Mr. LEISENBERG. Does the company supply the cars—the bunk cars?
- Mr. MARCH. Yes, sir.
- Mr. LEISENBERG. Does it supply the bunk houses?
- Mr. MARCH. No, sir; I build them myself.
- Mr. LEISENBERG. You have to build houses for them yourself?
- Mr. MARCH. Yes, sir.
- Mr. LEISENBERG. But the cars would be furnished by the company?
- Mr. MARCH. I put the bunk cars in myself.
- Mr. LEISENBERG. Would you have to pay the company for the cars?
- Mr. MARCH. No, sir.
- Mr. LEISENBERG. So you have three cars—now the bunks—or do you charge the men for sleeping?
- Mr. MARCH. A dollar, and we give them oil, a stove and a lamp free.
- Mr. LEISENBERG. Also feed them?
- Mr. MARCH. Whatever they want to buy.
- Mr. LEISENBERG. You don't have so much per week?
- Mr. MARCH. No, sir; whatever they get.
- Mr. LEISENBERG. Who does the cooking?
- Mr. MARCH. They do it themselves.
- Mr. LEISENBERG. Are the arrangements in the bunk houses?
- Mr. MARCH. The stoves; yes.
- Mr. LEISENBERG. Or do they cook outside?
- Mr. MARCH. In the summer time they cook outside.
- Mr. LEISENBERG. You have no regular cook employed for them?
- Mr. MARCH. No, sir.
- Mr. LEISENBERG. Now, you have \$1 a month for bunking?
- Mr. MARCH. Yes, sir.
- Mr. LEISENBERG. Have you any idea about what it costs the men on an average to board?
- Mr. MARCH. Whatever they buy. Some pay \$5 a month and some pay \$6. The American, of course, is a little higher; but most of them pay about \$5 or \$6. But, of course, they buy outside. I can not stop them—but they go to any of the other grocery stores, too, and if they want fresh meat or anything like that—
- Mr. LEISENBERG. That is, if there is a store in the neighborhood?
- Mr. MARCH. Yes, sir.
- Mr. LEISENBERG. Ordinarily they would have to depend upon you?
- Mr. MARCH. Yes.
- Mr. LEISENBERG. Can you give us an idea of the prices that you charge as compared—
- Mr. MARCH. (interrupting). Yes, sir; I couldn't give you that according to the price list.
- Mr. LEISENBERG. Can you furnish the commission with a copy of the price list?
- Mr. MARCH. I will send them a price list.
- (Mr. March later submitted a price list which is printed as an exhibit.)
- Mr. LEISENBERG. And you will address it to the commission?
- Mr. MARCH. Yes, sir; I will. There is another thing I want to state. I never allow liquor in any of those places.
- Mr. LEISENBERG. Liquor is prohibited?
- Mr. MARCH. Yes, sir.
- Mr. LEISENBERG. Any religious services?
- Mr. MARCH. Why, where they can go to church, they go. Some places they have to walk 3, 4, or 5 miles, you know.
- Mr. LEISENBERG. Now, what other charges do you have besides the bunking and the commissary?
- Mr. MARCH. Nothing else.
- Mr. LEISENBERG. Hospital fees?
- Mr. MARCH. No, sir; I never went into that.
- Mr. LEISENBERG. Do you supply towels for the men?
- Mr. MARCH. No, sir.
- Mr. LEISENBERG. Or soap?

Mr. MARCH. No, sir.

Mr. LEISENBERG. They have to buy it?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Or if they feel the need of a towel they come to you?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. What do you give in the bed or bunk? What do you furnish it with?

Mr. MARCH. In the bunks—mattresses.

Mr. LEISENBERG. Mattresses?

Mr. MARCH. Some of them, and some of them they prefer to fill their own mattress, and buy the straw.

Mr. LEISENBERG. And you sell them the straw?

Mr. MARCH. Why, I let them buy it wherever they can themselves.

Mr. LEISENBERG. Yes; but ordinarily you are out on the road—

Mr. MARCH. Whenever they can not get it, I furnish it; yes, sir.

Mr. LEISENBERG. And you sell them the straw. But in the ordinary camp you have a mattress?

Mr. MARCH. Yes.

Mr. LEISENBERG. It is all sewed up?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Do they use that year after year?

Mr. MARCH. No; I guess not.

Mr. LEISENBERG. What provision have you for cleaning the mattresses?

Mr. MARCH. Well, we have a man, the storekeeper—he is supposed to have them get the things out and clean them out every Sunday. That is the rule—they have got to clean their quarters and all the bunks must be cleaned every Sunday.

Mr. LEISENBERG. What provision do you have for seeing that the rule is enforced?

Mr. MARCH. The man in charge, the storekeeper.

Mr. LEISENBERG. Does he take all of them out?

Mr. MARCH. Oh, no; the men on Sunday.

Mr. LEISENBERG. The men have to do it themselves?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Has he any power to force them to do it?

Mr. MARCH. Why, he does the best he can. They do it for their own convenience.

Mr. LEISENBERG. But ordinarily they do not feel inclined to do that?

Mr. MARCH. Well, they generally do it; in the last five or six years, especially where—take all the places where I have had to build those houses, with all the improvements, with running water, and necessities in the house. Make them do it. And my brother makes the men do it all over the line; and if they don't, we scold them once, and if they don't do it then, why, we fine them.

Mr. LEISENBERG. What do you charge in those houses? What do you charge the men?

Mr. MARCH. Same thing.

Mr. LEISENBERG. \$1 a month.

Mr. MARCH. Yes. There are some houses where those improvements are going in that we charge \$1.50.

Mr. LEISENBERG. What is that?

Mr. MARCH. The houses where we are putting the improvements in that the board of health wishes put in.

Mr. LEISENBERG. What do you consider improvements?

Mr. MARCH. Toilets, and so on.

Mr. LEISENBERG. The others don't have any provisions for toilets?

Mr. MARCH. Some places don't have any; it is impossible.

Mr. LEISENBERG. Don't you dig any vaults?

Mr. MARCH. Oh, yes; we dig those cesspools like you know. But in those houses we are putting up, places here. We have got to build them up to date.

Mr. LEISENBERG. Are all your camps in the State of New York?

Mr. MARCH. Not all of them; no.

Mr. LEISENBERG. Is there any authority over you that expects you to find if the camps are in a sanitary condition?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Who is it? The board of health?

Mr. MARCH. Yes—wherever we may be.

Mr. LEISENBERG. The State board of health or—

Mr. MARCH. The board of health—take Garfield, the board of health of that town. They come after you.

Mr. LEISENBERG. Locally?

Mr. MARCH. Yes, sir; and you have got to put up houses. You have got to go to the department, the same as New York.

Mr. LEISENBERG. What else do you have besides mattresses in each bunk?

Mr. MARCH. We don't have anything.

Mr. LEISENBERG. Do the men have to get their own blankets?

Mr. MARCH. Yes.

Mr. LEISENBERG. Have to pay for them?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Now, if I were a hobo without any bedclothing, and I came into your office to-day—

Mr. MARCH. Yes.

Mr. LEISENBERG. And if you had work on the Erie Railroad I would be offered how much a day?

Mr. MARCH. Well, now we are only paying \$1.25.

Mr. LEISENBERG. I would be offered only \$1.25 a day?

Mr. MARCH. Yes, sir; that is all the pay.

Mr. LEISENBERG. How many hours a day?

Mr. MARCH. Ten hours.

Mr. LEISENBERG. In order to get work I would have to pay your fee?

Mr. MARCH. You don't have to pay anything until pay day.

Mr. LEISENBERG. But, I mean, after I got the job, I would have to pay you one or two, or how many dollars?

Mr. MARCH. \$2.

Mr. LEISENBERG. Out of that \$1.25 a day.

Mr. MARCH. Yes.

Mr. LEISENBERG. It would be \$45 a month?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. No; \$40.

Mr. MARCH. About.

Chairman GARRETTSON. How do you make it, when there are 26 days in the month, at \$1.25?

Mr. MARCH. Well, they work Sundays, too.

Chairman GARRETTSON. How do they clean the bunk houses, then?

Mr. MARCH. I don't say they work every Sunday.

Commissioner GARRETTSON. Just in February.

Mr. MARCH. Oh, they make extra time, too.

Mr. LEISENBERG. The average wage would be about \$35.

Mr. MARCH. Thirty-five; well, it would be more than that. They work extra time. They are paid so much an hour—12½ cents, and some days they may work 11 hours.

Mr. LEISENBERG. That would be from \$35 to \$40 a month?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Out of that he pays you \$2 for a fee?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Then he has got to pay a dollar a month for his bunk?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Does he have to buy the mattress?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. What does he pay for the mattress?

Mr. MARCH. Well, just whatever they cost me.

Mr. LEISENBERG. Well, how much?

Mr. MARCH. About \$1.

Mr. LEISENBERG. Why do you say just as much as they cost you?

Mr. MARCH. Because we don't make anything on the mattresses.

Mr. LEISENBERG. You don't make anything on the mattresses?

Mr. MARCH. No, sir; I do not.

Mr. LEISENBERG. Any of them buy blankets?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. How many?

Mr. MARCH. Well, they buy one; it is a double blanket.

Mr. LEISENBERG. How much is that?

Mr. MARCH. About \$1.75; double blanket.

Mr. LEISENBERG. Anythink else that they ordinarily have to buy?

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Mr. MARCH. I only tell the truth about it. Whatever it is necessary that they want to buy. Because the less they buy the less trouble I have; but whatever they want, if they want a pair of boots or shoes, they order them; that is, after working a month or so they buy whatever they like. I don't restrict them.

Mr. LEISENBERG. Do they have to pay their railroad fare up to the job?

Mr. MARCH. No, sir.

Mr. LEISENBERG. Isn't that ever done?

Mr. MARCH. No, sir.

Mr. LEISENBERG. What becomes, after the man quits his job, of those blankets?

Mr. MARCH. I think they take them with them.

Mr. LEISENBERG. Ordinarily he takes them with him?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. Do many people come into your office with blankets—mattresses?

Mr. MARCH. Plenty of them.

Mr. LEISENBERG. They carry them around?

Mr. MARCH. Yes, sir; plenty of them.

Mr. LEISENBERG. Have you any idea of the frequency with which the men quit? Take your ordinary camp. About how many men would you have there?

Mr. MARCH. Well, some 10 and some—

Mr. LEISENBERG. Take your biggest camp; how many do you have there?

Mr. MARCH. About 25 or 30.

Mr. LEISENBERG. Ordinarily how many men do you send up there every week in order to keep going?

Mr. MARCH. I wouldn't send any, unless somebody leaves.

Mr. LEISENBERG. How often do they quit?

Mr. MARCH. Whenever they get paid.

Mr. LEISENBERG. Every pay day ordinarily there are empties, and you have to ship up another gang?

Mr. MARCH. Yes, sir.

Mr. LEISENBERG. What I wanted to know is when a man works one month and gets his pay—

Mr. MARCH. Yes.

Mr. LEISENBERG. And comes to the city and blows it in and comes back for another job. I want to know whether you charge him another fee?

Mr. MARCH. No, sir.

Mr. LEISENBERG. Never? You are sure about that?

Mr. MARCH. Not if I see him myself. I never do.

Mr. LEISENBERG. You are not sure but what your clerks may?

Mr. MARCH. They may sometimes.

Mr. LEISENBERG. If we can find places in your records where they sometimes do charge—

Mr. MARCH. Sometimes.

Mr. LEISENBERG. Of course, now that you are out of it, out of the business practically, you would not be in a position to see them.

Mr. MARCH. No.

Mr. LEISENBERG. Now, ordinarily this class of labor does work only about a month, doesn't it, or two months?

Mr. MARCH. No; oh, no; no.

Mr. LEISENBERG. Well, a large number, say, when pay day comes disappear, don't they?

Mr. MARCH. Not many of them. Some. There may be 25 per cent.

Mr. LEISENBERG. What proportion disappear, would you say?

Mr. MARCH. Twenty-five or 30 per cent.

Mr. LEISENBERG. About 30 per cent disappears after pay day?

Mr. MARCH. Yes.

Mr. LEISENBERG. What proportion do you think work more than two months? Have you ever had any occasion to inquire into that?

Mr. MARCH. How long he has worked?

Mr. LEISENBERG. How long a man works on these railroad jobs?

Mr. MARCH. Well, some of them work for me for the last 20 years, 15, 10, 5.

Mr. LEISENBERG. I am not speaking of some. I am speaking of the ordinary camp. Will you find in an ordinary camp a man working, the average man that is working there for many months?

Mr. MARCH. Well, they work six or seven months, and then, of course, when they reduce the force, why, those that can be kept at work work the year round.

- Mr. LEISENBERG. Thirty per cent quit at the end of the month?
- Mr. MARCH. Yes, sir.
- Mr. LEISENBERG. That goes on month after month?
- Mr. MARCH. Well, most of these fellows, you know, when they get the money they get to drinking and blow it in.
- Mr. LEISENBERG. That is what I mean.
- Mr. MARCH. The steady citizen, he don't. The good citizen don't. He stays on the job.
- Mr. LEISENBERG. Would you advise a good, sober citizen to go and do that kind of work?
- Mr. MARCH. Somebody has got to do the work. Anybody is a good citizen who—
- Mr. LEISENBERG. Does he have to do the work under those conditions necessarily?
- Mr. MARCH. Well, I suppose they can't do nothing else until they accumulate a little money. Then they go into business.
- Mr. LEISENBERG. How much could they accumulate on the wages and what they have to pay?
- Mr. MARCH. Well, some of them save—I know lots. You take my people, they are pretty saving. I can show many of them in business—that is, in the last 10 years—that used to work for me.
- Mr. LEISENBERG. I want to get this statement about what becomes of the goods they buy, the goods like bedding and blankets. Do they have any pillows?
- Mr. MARCH. No.
- Mr. LEISENBERG. What is that?
- Mr. MARCH. No.
- Mr. LEISENBERG. Nothing like that necessary?
- Mr. MARCH. No.
- Mr. LEISENBERG. And those things, do they ordinarily pack them up and take them with them?
- Mr. MARCH. The mattress they burn up when they get through.
- Mr. LEISENBERG. They burn it up?
- Mr. MARCH. Yes.
- Mr. LEISENBERG. Can't they sell them back to you for anything?
- Mr. MARCH. I would not be allowed to take them back.
- Mr. LEISENBERG. That means when the next gang comes up they will have to buy a whole new outfit?
- Mr. MARCH. Yes. They would not have to, but—
- Mr. LEISENBERG (Interrupting). That is quite sanitary.
- Mr. MARCH. Yes.
- Mr. LEISENBERG. Also makes more sales?
- Mr. MARCH. That is not all, at all, because they are unfit to use.
- Mr. LEISENBERG. And how about the blankets?
- Mr. MARCH. They take them with them.
- Mr. LEISENBERG. Take the blankets with them?
- Mr. MARCH. Yes.
- Mr. LEISENBERG. Ordinarily they carry them around with them?
- Mr. MARCH. Yes.
- Mr. LEISENBERG. Can you give us any kind of idea what food these men ordinarily eat?
- Mr. MARCH. Well, we send up, as I told you, corned beef, roast beef, in cans, and macaroni, Italian cheese for the Italians, and pork and beans.
- Mr. LEISENBERG. All canned stuff?
- Mr. MARCH. All canned stuff.
- Mr. LEISENBERG. No fresh meat at all?
- Mr. MARCH. They can get it outside if they want.
- Mr. LEISENBERG. They would have to go to a village or somewhere.
- Mr. MARCH. Well, some places a wagon comes along.
- Mr. LEISENBERG. Mostly canned stuff?
- Mr. MARCH. Yes. Macaroni, of course. They do their own cooking.
- Mr. LEISENBERG. Do you have many cases of trouble, stomach trouble, on the part of the men?
- Mr. MARCH. No, sir.
- Mr. LEISENBERG. What do you do in case a man is sick?
- Mr. MARCH. Take him to a hospital.
- Mr. LEISENBERG. What hospital?

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Mr. MARCH. Well, wherever there is a hospital near, or we take him to the company's doctor.

Mr. LEISERSON. Does the company pay for that doctor?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. And you charge the man nothing?

Mr. MARCH. No, sir.

Mr. LEISERSON. When it rains does a man get paid for the work he does?

Mr. MARCH. Most of them do if they stay out with the foreman.

Mr. LEISERSON. I know, but ordinarily a man getting \$1.25 a day, if they have a rainy day when there is no work done, he does not get that \$1.25?

Mr. MARCH. They generally, most of them, get it, if they stay with the foreman, but if they go and stay in the camp they would not get it.

Mr. LEISERSON. What would the foreman want to take them out for?

Mr. MARCH. He generally takes them out and stays under the station while it rains. It don't rain all day sometimes.

Mr. LEISERSON. Sometimes it does.

Mr. MARCH. Then they don't go out.

Mr. LEISERSON. If it rains so hard in the morning the ground is hard and they can not work, they don't go, do they?

Mr. MARCH. No; but if it stops raining they go out and get paid.

Mr. LEISERSON. By the hour, they get 12½ cents?

Mr. MARCH. Yes, sir.

Mr. LEISERSON. I am trying to cut out your loss of time on account of the weather, and besides this \$35 a month—

Mr. MARCH. Sometimes.

Mr. LEISERSON. Besides the fee that comes out of it and the bedding they have to buy, they also lose time on account of the weather. That is what I wanted to get.

Mr. MARCH. Yes.

Mr. LEISERSON. Let me ask you a question that may be rather theoretical from your point of view. Do you think that the situation in the camp, these arrangements that you have of sending men to camps, and then living in those conditions, and working for these wages, is desirable?

Mr. MARCH. Well, I don't see. Some times you can not put them any other place.

Mr. LEISERSON. Do you think that is necessary? Can you get along with anything else? Could you have it otherwise?

Mr. MARCH. No; I don't see how, at some points you can.

Mr. LEISERSON. Wouldn't it be possible, for instance, to pay men \$2 and \$2.50 a day?

Mr. MARCH. Certainly it would, if they got better wages. Certainly.

Mr. LEISERSON. Wouldn't it be possible, for instance, to have the company furnish the board to the men?

Mr. MARCH. Well, that I never. I don't think they could control that.

Mr. LEISERSON. Do you know the practice in lumber camps? Did you ever supply men to the woods?

Mr. MARCH. No; I never did.

Mr. LEISERSON. Lumber camps pay \$35 and \$40.

Mr. MARCH. If you want my idea, and I think it is a very good one—

Mr. LEISERSON. I think before we get to that—the lumber camps pay \$35, \$40, and \$45 a month.

Mr. MARCH. Yes.

Mr. LEISERSON. And furnish the board?

Mr. MARCH. Yes.

Mr. LEISERSON. Themselves?

Mr. MARCH. Yes.

Mr. LEISERSON. And the lodging?

Mr. MARCH. Yes.

Mr. LEISERSON. And charge nothing at all for that. Now, wouldn't it be possible—that is the lumber camps in the Northwest. Wouldn't it be possible for the Erie Railroad to do the same thing?

Mr. MARCH. Well, some of the men would not work.

Mr. LEISERSON. And then you would get a better class of men there, wouldn't you?

Mr. MARCH. Some of the men they claim it costs too much to board that way.

Mr. LEISERSON. They don't board; the company gives the board for nothing, at \$35 a month.

Mr. MARCH. That would be all right. There would be no kick there; but the other way.

Mr. LEISENBERG. Let me get the idea you started to give us.

Mr. MARCH. I say to-night we send 100 men, and in the morning when we get up there we feed them. I don't want to make it a little hard for them. They won't give anything, but I do that for them. Do that for them, when they first get there, but out of the 100 I get maybe 25 or 30 or 35. The others go to the State roads or the farmers, or other jobs and I lose a great deal during the year. I lose at least \$2,000 or \$2,500.

Mr. LEISENBERG. Do you get a profit on the whole business? That is, at the end of the year, ordinarily, you make a profit, don't you?

Mr. MARCH. Not so much as people think.

Mr. LEISENBERG. Have you any objection to giving the amount?

Mr. MARCH. Yes. Last year I could tell you I lost about \$1,000 a month since December.

Mr. LEISENBERG. I mean ordinarily you make a profit?

Mr. MARCH. Had about 300 men; didn't use half; well, about 50 and 100 in the winter.

Mr. LEISENBERG. You would not stay in the business if it was not profitable.

Mr. MARCH. If I did not have the buildings on that road I would let my brother get right out.

Mr. LEISENBERG. Up to the present time you have made a normal—what you consider a fair profit?

Mr. MARCH. Yes.

Mr. LEISENBERG. That is to say, the total business that you have done has brought you a profit so when these men quit you, and did not do the work, and beat you out of the board that you gave them when you fed them, the other fellows who paid the fee, paid for it all, didn't they?

Mr. MARCH. That offsets some; yes.

Mr. LEISENBERG. That is to say, you had the profit, so it was not you that lost, but the other fellows that you charged it up.

Mr. MARCH. They have to pay according to the law.

Mr. LEISENBERG. You make your fees large enough in order to get a profit, and it might be if all these people actually paid for everything you gave them, your profit would be so high that you would lower your fees? Might it not?

Mr. MARCH. You know I have got 10 inspectors that have to be paid for to go up and look after the welfare of the men.

Mr. LEISENBERG. All I am trying to make of the point is that you make a profit on your business, a reasonable profit, whatever it is, and it is not you that is paying for the losses, but the other fellows who pay you the fees; that is the idea.

Mr. MARCH. Well, that offsets it some.

Mr. LEISENBERG. Now, you have some ideas as to what you think ought to be done to improve conditions?

Mr. MARCH. Yes.

Mr. LEISENBERG. Will you give us your ideas?

Mr. MARCH. Just as I told you with these men. You get them, you know, and 60 per cent haven't got a penny in their pockets.

Mr. LEISENBERG. How much do you think ordinarily that you could have if you went to work under those conditions? That is, how much could there be left of \$1.25 a day, with money lost when it rains, with a \$2 fee, and paying the board and buying your bedding?

Mr. MARCH. Well, they have some left.

Mr. LEISENBERG. How much?

Mr. MARCH. Well, I think you would have \$15 or \$18 left if you got \$35 or \$40.

Mr. LEISENBERG. If you worked a month, as you said, in order to make \$40 you would have to work overtime and Sunday, and if you worked a month that way, away from the city, living in camps, you would want to spend some of that money on amusement and recreation.

Mr. MARCH. I don't think those fellows look for amusement, I don't think, and with hard work. I worked in this country for four years for my board and clothes up in the northern part of the State, and I did not look for amusement. I had to get up at 4 o'clock in the morning, on a farm. That is doing something.

Commissioner O'CONNELL. That is quite amusing.

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Commissioner BALLARD. You could hear the birds sing in the spring. That is pleasant.

Mr. MARCH. Yes; you bet it is.

Commissioner O'CONNELL. You say they reduced the wages to \$1.25 on the Erie Railroad?

Mr. MARCH. What?

Commissioner O'CONNELL. You say \$1.25 is to be the rate paid?

Mr. MARCH. They reduced it last February.

Commissioner O'CONNELL. Still lower?

Mr. MARCH. No. In February the reduced from—in December from \$1.60 to \$1.50. Then in February they reduced to 12½ cents an hour.

Mr. LEISEN. You stated, in your opinion, the conditions of these camps could not be much improved.

Mr. MARCH. Yes; they can be improved.

Mr. LEISEN. What we want to know is what suggestions have you for improving them? The one you suggested was the State board of health, or the local board of health might compel you to put up better houses and give more air space and so on.

Mr. MARCH. Yes.

Mr. LEISEN. What other things would you suggest for improving conditions?

Mr. MARCH. Well, keep their quarters clean is one thing. You know, even if you have a man go into the place as you said—

Mr. LEISEN. Could you keep it clean without sheets?

Mr. MARCH. No.

Mr. LEISEN. I mean they would have to spend more money for buying sheets.

Mr. MARCH. That is what that would mean; yes, sir.

Mr. LEISEN. If they needed soap they would have to spend more money?

Mr. MARCH. Well, the soap they buy.

Mr. LEISEN. Let me give you this. Don't you think it the fact that the men who live so cheaply, they haven't any sheets, don't very often use soap, don't often get a bath and so on, and that that has something to do with their willingness to work for \$1.25 a day?

Mr. MARCH. Well, if the men built these buildings and paid for them themselves, then they could have bathtubs, so they could take a bath.

Mr. LEISEN. Why couldn't they do that in all cases where this work is done?

Mr. MARCH. You could not get 25 per cent to do it.

Mr. LEISEN. Why couldn't you?

Mr. MARCH. Well, the only thing you could do would be to issue a rule and discharge them if they did not do it. Then you would be accused of discharging the men.

Mr. LEISEN. The board of health compelled you to put in more sanitary houses, didn't it?

Mr. MARCH. Yes, sir.

Mr. LEISEN. Wouldn't it be possible for the board of health to compel the company to put in sanitary conditions, to put in shower baths, etc.?

Mr. MARCH. Yes; but if you got the men to try—had a law that these men should be compelled or they would be discharged—

Mr. LEISEN (interrupting). The rule is strictly enforced just the same.

Mr. MARCH. Yes; you do that and I will be very glad to see it done.

Mr. LEISEN. Do you know cases where this has actually happened?

Mr. MARCH. No; I do not.

Mr. LEISEN. Well, it is very often done in some of the western camps where the companies themselves put up shower baths and put up special buildings for the men for amusements and have graphophones there, and any man who violates the rules with regard to cleanliness is discharged, and it is effectively controlled.

Mr. MARCH. That is all right, but you can't do it in the case of these men—can't do it now, because these men may complain they were discharged for being put out of the gang for something, and they get dissatisfied, and I never done that in my life. I always wanted to get the men to stay as long as they can, because I would rather have the old men, not breaking the new ones in all the time.

Mr. LEISERSON. If I go up to one of your camps, as quite often happens, a man walks along the road and meets the camps and gets a job there, then do I have to pay you for the accommodations in the commissary just the same?

Mr. MARCH. If he comes along there, sure.

Mr. LEISERSON. Then, besides that, is the office fee deducted—that is, the labor-agency fee?

Mr. MARCH. Sometimes is and sometimes is not.

Mr. LEISERSON. Who decides whether it should be or should not?

Mr. MARCH. Well, if a man in town, we never do.

Mr. LEISERSON. That is, if he does not live in your commissary.

Mr. MARCH. I mean if he is a man living in town he might have come along and wanted a job, you know.

Mr. LEISERSON. Then he would work there and live in the town?

Mr. MARCH. Yes. Those fellows we never charge.

Mr. LEISERSON. But a hobo or a man who walks along the track——

Mr. MARCH. Yes.

Mr. LEISERSON. Comes there and gets a job on his own account; he finds it

Mr. MARCH. Yes.

Mr. LEISERSON. Besides charging him the ordinary commissary fee \$2 is deducted for an office fee for you.

Mr. MARCH. We charge him only one-half, not all of the fee.

Mr. LEISERSON. But you do make a charge.

Mr. MARCH. Yes.

Mr. LEISERSON. On what principle do you charge the office fee?

Mr. MARCH. That is the law.

Mr. LEISERSON. That is what?

Mr. MARCH. That is the intelligence fee, and he knows.

Mr. LEISERSON. And he found the job himself, didn't he?

Mr. MARCH. He comes up to one of my representatives.

Mr. LEISERSON. He comes to one of your representatives who is there and needs men, and he asks him for a job and the man hires him?

Mr. MARCH. Yes.

Mr. LEISERSON. And he goes to work?

Mr. MARCH. Yes. If he goes to live in the cars and wants trust we charge him.

Mr. LEISERSON. Then you charge him the office fee just the same?

Mr. MARCH. One-half.

Mr. LEISERSON. The same as if you had found the man here and shipped him up there?

Mr. MARCH. Yes, sir; but those that live in town we don't.

Commissioner O'CONNELL. Supposing when the Erie Railroad Co. reduced the wage of the track men from \$1.60 to \$1.25 the track men went on strike--or is this a redaction?

Mr. MARCH. Yes, sir.

Commissioner O'CONNELL. Would you furnish men to take their places?

Mr. MARCH. Never did.

Commissioner O'CONNELL. Would you do it?

Mr. MARCH. No; I do not, because generally there would be a good deal of trouble. Nobody would go, and you would have to tell the men and nobody would go.

Mr. LEISERSON. As a matter of fact, the men do not strike, do they? You have not had any cases of strike?

Mr. MARCH. I have had very little trouble.

Mr. LEISERSON. When the company says the wages are coming down from \$1.50 to \$1.25 a large number left?

Mr. MARCH. Yes; they did.

Mr. LEISERSON. And you supplied others; there is no strike.

Mr. MARCH. If there is a strike I do not, because you have to tell the men what it is.

Mr. LEISERSON. But those men don't strike, they just quit?

Mr. MARCH. Yes.

Mr. LEISERSON. They get their pay and quit?

Mr. MARCH. Yes.

Commissioner O'CONNELL. Did you get any notice from the Erie Railroad Co. about the time or shortly before these wages were reduced to ascertain whether you could gather a number of trackmen?

Mr. MARCH. No, sir.

Commissioner O'CONNELL. Was there a generally larger application for men after the wages had been reduced?

Mr. MARCH. They do that every year, reduce the wages, but not as low. I never remember their reducing them to \$1.25 in about eight years.

Commissioner O'CONNELL. Don't they raise them occasionally, then?

Mr. MARCH. I have been arguing with the company to raise them now because it is hard to get men.

Commissioner O'CONNELL. Do you furnish employees for any other railroad?

Mr. MARCH. No.

Commissioner O'CONNELL. Only the Erie Railroad?

Mr. MARCH. Yes.

Commissioner O'CONNELL. You furnished 1,500, you say, last year?

Mr. MARCH. Maybe over.

Commissioner O'CONNELL. One thousand five hundred or 1,800 I think you said last year. You keep an office in New York with several employees?

Mr. MARCH. Yes. Of course I have other business of my own.

Commissioner O'CONNELL. Carried on in that office?

Mr. MARCH. Yes.

Commissioner O'CONNELL. Besides the employment business?

Mr. MARCH. Yes, sir.

Commissioner O'CONNELL. Do you keep your books separated?

Mr. MARCH. Yes, sir.

Commissioner O'CONNELL. What has been the gross income from your employment business for that year?

Mr. MARCH. Last year it was very little; I could not tell you off hand.

Commissioner O'CONNELL. You say that the cost of operation, however, was greater than the receipts?

Mr. MARCH. Yes, it was; because there wasn't so many men employed, and we have been to a lot of expense, and there is a lot of loss on the storekeepers.

Commissioner O'CONNELL. Do you furnish females at all?

Mr. MARCH. No, sir. And I have great trouble with the storekeepers, too.

Commissioner O'CONNELL. Did you hear the statement of the gentleman who preceded you regarding the conditions of camps in Jersey and the employment agencies?

Mr. MARCH. No, sir; I did not.

Commissioner O'CONNELL. You didn't hear him?

Mr. MARCH. I was outside.

Commissioner O'CONNELL. He made the statement that the conditions the commission investigating over there found was not moral, by any means, and very bad, indicating that some of these agencies were operating for immoral purposes.

Mr. MARCH. I guess there is nothing like that here.

Commissioner O'CONNELL. Have you any idea as to whether that would prevail in a free employment agency to any extent, if at all?

Mr. MARCH. I could not say. I know there is a lot of agencies. There is some agencies in Mulberry Street that tried to get me often in trouble. They bring a gang of men to the office and they take the money, cash, \$3 or \$4 from them—

Mr. LEISENSON (interrupting). Who did?

Mr. MARCH. Some of these agents.

Mr. LEISENSON. Private agents?

Mr. MARCH. And then they land them right in front of my office and then they run away, and then they come in and say, "We were brought here," and I said, "Who brought you," and I look at the paper and I know where they belong, and I made reports on them, and they went for them, the commissioner of licenses. May times they did that. There is a lot of them there that way that should not have any license, because in the first place they never in the world give you service. They get 10 or 15 men and haven't got any jobs for them.

Commissioner O'CONNELL. Do you keep your books so you can ascertain as to whether that portion of your business operation, the commissary department, is profitable or not?

Mr. MARCH. Yes, sir.

Commissioner O'CONNELL. Did you lose or make on your operations of that business last year?

Mr. MARCH. Well, we made a little, not very much last year, but this winter there has been a loss since December, because some of the camps charge—I

have a storekeeper in every camp, and sometimes only two or three men in it, they lay off so many men.

Commissioner O'CONNELL. In an ordinary year would your profits be greater from the commissary than from the employment business?

Mr. MARCH. The commissary?

Commissioner O'CONNELL. Would the profits from that operation be greater?

Mr. MARCH. No; because, as I said, we might ship 100 men to-night, and there was only 25 or 30 stayed. The book shows they went out, but they did not stay.

Mr. LEISENBERG. But you got the \$2 from them?

Mr. MARCH. Oh, no; you never get that until they get work.

Mr. LEISENBERG. Do you never "cop" your fee before you send the men out?

Mr. MARCH. Very seldom.

Mr. LEISENBERG. What do you mean by "seldom"? In what proportion of the cases do you get the \$2 before the men are shipped out?

Mr. MARCH. There might be a few Italians, say, but none of the other class.

Mr. LEISENBERG. Ordinarily you deduct it from their wages?

Mr. MARCH. As I told you, they haven't got even 5 cents to buy a loaf of bread before they go.

Commissioner O'CONNELL. Does the company collect your money, or do you collect it?

Mr. MARCH. The company makes deductions on the road.

Commissioner O'CONNELL. Holds it out of the wages?

Mr. MARCH. The commissary and everything else, or if they get cash from me or something like that. If a man wants \$1 or \$2 cash, I give it to him.

Mr. LEISENBERG. How often are the men paid?

Mr. MARCH. Twice a month.

Mr. LEISENBERG. If a man quits before the 15th day, say, or the 1st, if those were the two days, do they pay them off right away?

Mr. MARCH. Just as soon as they can pay him. But, you know, on lots of roads—

Mr. LEISENBERG. Does he have to wait until pay day?

Mr. MARCH. Not if he gets his slip.

Mr. LEISENBERG. I know; but ordinarily does he get paid?

Mr. MARCH. If he leaves the work himself and don't notify the foreman, he will have to wait, because he has to report to some office; but if he gets a slip he is paid the very next day.

Mr. LEISENBERG. If he is fired and gets his time, he will be paid the next day?

Mr. MARCH. Yes.

Mr. LEISENBERG. If he wants to quit, has he to wait until pay day?

Mr. MARCH. Oh, no.

Mr. LEISENBERG. How long does he have to wait?

Mr. MARCH. As soon as he reports he has left the job.

Mr. LEISENBERG. That he will report to whom—the foreman?

Mr. MARCH. No; he has to report to some office, and sometimes he comes to my office. He has to report to some office, and sometimes he comes to our office.

Mr. LEISENBERG. He will have to come back to New York and report to your office?

Mr. MARCH. They jump on a freight and come in. You know, as I told you before, they drink, and they get on a train, and the foreman don't know they have gone at all.

Mr. LEISENBERG. You run clear out how far on the Erie Railroad—to Ohio?

Mr. MARCH. I got one or two camps there, that is all.

Mr. LEISENBERG. But you do have places there?

Mr. MARCH. Yes.

Mr. LEISENBERG. If a man quits that place, he can not—

Mr. MARCH. If a man quits that place and goes to the superintendent, he can be paid right off.

Mr. LEISENBERG. Where is the superintendent?

Mr. MARCH. Right there.

Mr. LEISENBERG. You mean to say the foreman has money right there?

Mr. MARCH. Oh, my, no; not the foreman, but he gives him a slip and sends him to the superintendent to get a voucher.

Mr. LEISENBERG. Where is the superintendent?

Mr. MARCH. All along the line.

Mr. LEISENBERG. On each job?

Mr. MARCH. No; the place may be Salamanca.

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Chairman GARRETSON. Superintendent of what?

Mr. MARCH. Of the division.

Mr. LEISEN. He has to go to the division point where the superintendent's office is?

Mr. MARCH. If he wants to quit, he tells the foreman, and then this is sent in to the superintendent, and they send up a voucher and he is paid off.

Mr. LEISEN. He has to wait until this comes back?

Mr. MARCH. It takes a day and a half.

Mr. LEISEN. Is that the highest you have ever heard of it taking, the time—the necessary time that is ever taken, a day and a half?

Mr. MARCH. Sometimes they did not report for their time maybe for 10 days or a week.

Mr. LEISEN. They did not report?

Mr. MARCH. I have men come in, return, that skipped or went to some other job; they just came in since last September.

Mr. LEISEN. And he did not get any pay? He had not collected his pay?

Mr. MARCH. So I gave him a letter to the treasurer and he went and got his check.

Mr. LEISEN. Ordinarily a man out on the road here, wouldn't he have to come into New York City to get his pay?

Mr. MARCH. No; if he had demanded his pay there, no, sir.

Mr. LEISEN. He quits himself?

Mr. MARCH. Yes.

Mr. LEISEN. Then the regular foreman would have to send in his time, and he would have to wait from one to three days until he gets it?

Mr. MARCH. Not two or three days; as soon as he gets the voucher.

Mr. LEISEN. Then it would take—whatever it would take, during that time, he has to pay you for the board and for the commissary?

Mr. MARCH. Yes.

Mr. LEISEN. Even though he is not working?

Mr. MARCH. Pay for the commissary?

Mr. LEISEN. During that time?

Mr. MARCH. If he gets any stuff, but very seldom they get any.

Mr. LEISEN. Isn't it necessary, or is it not necessary for the men to come to the city to get their pay?

Mr. MARCH. Not those that notify the foreman; no, sir.

Mr. LEISEN. Are you sure about that?

Mr. MARCH. I am positive of it. If they notify, they can get paid right there.

Mr. LEISEN. But the foreman hasn't the money.

Mr. MARCH. But he sends a slip to the superintendent for a voucher.

Mr. LEISEN. Every man, according to that statement—you think we can verify this statement? That every man that quits his job of his own accord, if he will tell the foreman he can get his pay there by waiting until the check is sent in and his time is sent in and comes back, and that may take a day or two?

Mr. MARCH. Yes.

Mr. LEISEN. And there isn't any exception?

Mr. MARCH. Unless they leave and do not notify the foreman, and come to my office or come to Jersey City, or things like that, and they send to the foreman and get the time, and make the voucher out.

Chairman GARRETSON. Isn't it a fact that every bunk charge on the railroad, on the Erie Railroad, is \$1.50 a month?

Mr. MARCH. What?

Mr. LEISEN. Isn't every bunk charged on the Erie Railroad at \$1.50 a month?

Mr. MARCH. No, sir. Not for those that don't board, don't pay \$1.50. Those that don't buy any provisions, don't board.

Chairman GARRETSON. Isn't bedding sold over and over again?

Mr. MARCH. Not in my commissary; I guess not.

Mr. GARRETSON. It is sold in the other commissaries?

Mr. MARCH. That I don't know.

Chairman GARRETSON. What happens to the men who do not patronize the commissary?

Mr. MARCH. Nothing that I know of.

Chairman GARRETSON. Isn't his relation with the company severed pretty quickly?

Mr. MARCH. No. I tell you, that for the last three or four years there the commissaries, they don't pay very much on account of the storekeeper.

They steal more than this. I keep as little as possible, and give them all the privileges they want.

Chairman GARRETSON. The labor agency is run as a business proposition, and the commissary is a philanthropic proposition?

Mr. MARCH. I tell you there isn't much profit.

Chairman GARRETSON. Those men are not discharged for not patronizing the commissary?

Mr. MARCH. No, sir; not in my camps.

Chairman GARRETSON. Well, you dominate them very largely?

Mr. MARCH. I dominate it?

Chairman GARRETSON. I mean the employment there. Do you furnish most of it?

Mr. MARCH. No, sir; there are four others.

Chairman GARRETSON. Have you ever had any trouble with the board of health you have referred to a number of times?

Mr. MARCH. These houses they have notified me to build according to the law, I did.

Chairman GARRETSON. What happened before you built the houses?

Mr. MARCH. I never had no complaint.

Chairman GARRETSON. Never had any complaint?

Mr. MARCH. No, sir.

Chairman GARRETSON. There never had been any complaint against your camp conditions that brought about the building of the houses?

Mr. MARCH. No; but whenever I got a complaint I always complied with it, always attended to it right away.

Chairman GARRETSON. What constituted the ground of complaint?

Mr. MARCH. Oh, I never had any to amount to anything.

Chairman GARRETSON. They just sent them without any ground for complaint?

Mr. MARCH. I say, I never had many complaints.

Commissioner BALLARD. You said that they very often took freight cars and put bunks in freight cars?

Mr. MARCH. Yes.

Commissioner BALLARD. The bunks usually are two high, I suppose?

Mr. MARCH. What?

Commissioner BALLARD. Two high, one above the other, two tiers of bunks?

Mr. MARCH. Yes.

Commissioner BALLARD. And how many bunks do they put in an ordinary freight car?

Mr. MARCH. According to the length of a car; six or eight.

Commissioner BALLARD. Six or eight double bunks. They would hold 12 or 14 or 16?

Mr. MARCH. No; four on a side, eight altogether.

Commissioner BALLARD. Four on each side, four double bunks on each side?

Mr. MARCH. Yes; eight men; that is all you can put in.

Commissioner BALLARD. Eight men, or 16 men in 1 car?

Mr. MARCH. Eight; some cars you can't put in so many;—six. Some cars are shorter than others.

Commissioner BALLARD. Is that because the other end of the car is used for cooking purposes? Part of the car? Do they cook in them on the stove?

Mr. MARCH. The center of the car usually is used for that. Most of them cook on the outside in the summer time.

Commissioner BALLARD. You speak of the prices in the commissary. Does the railroad company, any railroad officer, have any right to interfere in the prices that the commissary shall charge?

Mr. MARCH. Have any right?

Commissioner BALLARD. Yes; do they say any price you shall charge for goods?

Mr. MARCH. I charge—not as I wish; no.

Commissioner BALLARD. What rate?

Mr. MARCH. I charge original prices. I will send the list down to-morrow.

Commissioner BALLARD. I mean by that, how are those prices arrived at?

Do you charge 10 per cent or 40 per cent advance?

Mr. MARCH. I charge so much per pound for each article, whatever it may be.

Commissioner BALLARD. I mean a certain price?

Mr. MARCH. And the list is sent to the storekeeper and he has to comply with it.

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Commissioner BALLARD. The railroad company does not have anything to do with it?

Mr. MARCH. No, sir.

Commissioner BALLARD. You speak of men being allowed to buy meat and other things outside the commissary?

Mr. MARCH. Yes, sir.

Commissioner BALLARD. Of course, they have to pay cash for that?

Mr. MARCH. Sometimes they do; sometimes they get credit.

Commissioner BALLARD. How can a man have any cash and take care of his cash?

Mr. MARCH. I said, after they get their first pay.

Commissioner BALLARD. After he gets the first pay, where could he keep his cash, sleeping in a bunk with a lot of other people?

Mr. MARCH. Well, they do; they keep it with them.

Mr. LEISERSON. That is all, thank you. If you will supply us with your price list?

Mr. MARCH. Yes; I will.

TESTIMONY OF MR. JOSEPH MAYPER.

Mr. LEISERSON. Will you state your full name and official position, Mr. Mayper?

Mr. MAYPER. Joseph Mayper. I am at present general secretary of the legislative committee of the North American Civic League for Immigrants.

Mr. LEISERSON. How long have you been in that position?

Mr. MAYPER. Since January 1, this year.

Mr. LEISERSON. Prior to that time you were what?

Mr. MAYPER. For the year before that I was acting chief investigator of the New York State Bureau of Industry and Immigration.

Mr. LEISERSON. For a year?

Mr. MAYPER. For a year, 10 months, in full charge of this work, and for 2 years prior to that I was supervising investigator in that bureau. In fact, I was with the bureau since its creation.

Mr. LEISERSON. For three years, then, you have been connected with the New York Bureau of Industries and Immigration?

Mr. MAYPER. Yes, sir.

Mr. LEISERSON. And, then, since January of this year you have been with the North American Civic League for Immigrants?

Mr. MAYPER. Yes.

Mr. LEISERSON. Will you tell us what the purpose of the bureau of industries and immigration was?

Mr. MAYPER. The New York State Bureau of Industries and Immigration was created October 1, 1910, after an exhaustive investigation by the New York State Immigration Commission for the purpose of providing for the welfare, distribution, education, and protection generally of the immigrants and the alien residents of the State.

Mr. LEISERSON. Among your duties there was to inspect private employment agencies?

Mr. MAYPER. Not directly. We had a certain power which gave us a right of entry. Of course, the commissioner of licenses had direct jurisdiction.

Mr. LEISERSON. And you had power also to inspect and investigate common-labor camps?

Mr. MAYPER. Yes; all labor camps in the State.

Mr. LEISERSON. Now, with the present North American Civic League for Immigrants, what is the purpose of that organization?

Mr. MAYPER. Until January of this year this league was doing somewhat similar work to the bureau in New York and New Jersey, and was known as the New York and New Jersey Committee of the North American Civic League for Immigrants until last October, officially. Last October—at the beginning of this fiscal year—it was reorganized for the purpose of undertaking legislative work throughout the Nation for similar purposes—protection, distribution, education and the general welfare of the immigrants.

Mr. LEISERSON. Now, then, your duties led you to inspect labor camps?

Mr. MAYPER. Yes, sir.

Mr. LEISERSON. Did you make an investigation of the camps in the State of New York?

Mr. MAYPER. For three summers I supervised the work; I went out very frequently and saw a number of them.

Mr. LEISENBERG. Did you have occasion to visit any of the camps of the Erie Railroad—

Mr. MAYPER. I did.

Mr. LEISENBERG. Can you tell us anything about the conditions there that might add anything to what Mr. March has stated?

Mr. MAYPER. I was very glad to hear from Mr. March that the conditions of his camp had improved during the past three years. That is quite creditable to the bureau. When we first started on our work we divided our plan of inspection in accordance with the various seasonal industries carried on in labor camps—railroad works; public works, like barge canal and aqueduct camps, cannery camps, and some that were more permanent, like brick yards—well, they are temporary, in a way—and quarries, and possibly one or two other subdivisions of that nature. In connection with the railroad camps, we found what Mr. March has testified to: That during the summer months, largely, they were in full sway; and during the winter months, when the maintenance camps—as they are called—are in operation, unless there is some emergency which requires a large camp. The maintenance camps are generally more or less permanent, and have from 2 or 3 to 10 men in each. The construction gangs, which are larger camps, during the spring and summer and early fall usually have much larger gangs, possibly from 125 to 150 men or even more than that at times depending upon the amount of work to be done in that particular district. The scope of our investigation was not only to examine into the sanitary conditions—living conditions—of the employees, but also to find out the system of charges and deductions—the system of employment and what relationship the man, whom the police are pleased to call the padrone or the labor agent, as they desire to call themselves, had, first, with the employee; and, second, with the company for whom the employees were working. Perhaps, if I take up each division seriatim, you can see just what I mean. Taking the sanitary conditions, first:

The board of health did require the Erie Railroad Co. to pull down all the shacks at a place called Port Jervis along the Erie Railroad, after we had made several vigorous protests. We have some pictures of this camp in our office—at least, we did have in the bureau office, and I am sure they are still there—

Chairman GARRETSON. As it was?

Mr. MAYPER. As it was.

Chairman GARRETSON. That is a picture in the past tense. [Laughter.]

Mr. MAYPER. Yes, sir; and we found there were 25 or 30 hovels in this particular place. I use the word "hovels" advisedly. They were hoards, and old pieces of tin and iron, put together by the men themselves almost invariably, in a large hollow. Port Jervis, by the way, is a coaling station for the Erie Railroad, and these men were working along the road and also in coal yards, and it is a fact that a number of them testified to us under oath that they put up these shacks themselves—without windows, bad air, and very foul smelling, and very poorly kept. Yet they were charged \$1 a month by the commissary. They had to pay rent for something they put up themselves. The tin and boards were picked up along the railroad, as they testified; and through their own manual labor they put this shack or hovel together. Usually they are so small that not more than two people could sleep in one of them.

In addition to the bunks there had to be a stove for when it grew a little colder. Port Jervis was more or less permanent, from the fact that it was a coaling station, and there was absolutely—as I recall it now it was three years ago when they made the inspection—and absolutely there were no sanitary provisions of any importance. That is, the actual housing quarters.

Mr. LEISENBERG. How many men were there?

Mr. MAYPER. Sixty or seventy; somewhere there.

Mr. LEISENBERG. No toilet facilities whatever?

Mr. MAYPER. There were a few toilets in a very filthy condition; and one of them, I remember particularly on account of the fact that it was filled with feces, and it was absolutely impossible to enter the place. The railroad people to whom we protested felt that it was not one of their duties; that the whole camp situation, commissary, employees, and sanitation had been turned over to the labor agent or padrone, and that he was responsible. We got into communication with the labor agent, and nothing was done, or very little was done.

Mr. LEISENBERG. You had no power of compelling them?

Mr. MAYPER. No; we had no power. Our only power was to investigate and recommend necessary legislation. Prior to that time there was no State authority to make any investigation of any kind, and no one really knew what the conditions were.

Mr. LEISENSON. Is there any authority now in the State that has power to look after—

Mr. MAYPER (interrupting). There is. Early last year, in the early part of Gov. Sulzer's administration, at any rate, a public-health council was appointed by the new governor. The public-health council entered into a very long investigation of the health conditions of the State. I appeared before them with relation to the labor-camp situation, and as the result of the agitation at the time, and their recommendations, the State department of health was reorganized so as to divide the State into 20 sanitary districts under the direction of 20 sanitary supervisors supposed to be doctors and physicians and sanitary experts of some kind. And these divisions were all over the State, and it was the duty of the public-health council, which was created at the same time, to indicate or devise rules or regulations which should enter into a sanitary code which gave the commission full power of law, and the sanitary supervisors, to enforce the sanitary code with regard to labor camps.

Mr. LEISENSON. Has that been done?

Mr. MAYPER. I am advised in conferences with the public council that they are now working on it and have been, and that they feel that action will be taken very shortly. Some other action has, however, already gone through. That was the industrial board of the department of labor. They were given last year supervising authority over the living quarters in the camps connected with factories. Now, under that designation the cannery camps were directly under their supervision, and possibly the brickyards; but the cannery camps, at any rate. They required immediate attention, and last year members of the industrial board, representatives of the canners, and myself had several conferences; and early this year we finally agreed upon an industrial code, providing minimum sanitary requirements for all cannery labor camps in the State. This is now in print, I think, and will be published very shortly. It has been passed on definitely, I understand, by the public board of health, and it will be certain and definite, and provide for proper dealing with those camps; and, possibly, with the exception of California, this State is the first to do that thing.

Mr. LEISENSON. In regard to those camps where they have double bunks—one up above and one below—did you find in your investigation that the lower bunks were often just the floor?

Mr. MAYPER. Not so much in the bunk cars. That is more or less true in the shacks and in the tarred-paper shacks that they put up for temporary construction work. In the bunk cars it is raised slightly.

Mr. LEISENSON. A statement was made here by Mr. Carpenter, the ex-manager of the National Employment Exchange, that they never could get enough men—never, under ordinary circumstances—for construction work of this kind. Do you think that the conditions of employment, as you found them, had anything to do with the unwillingness of the men to go to that kind of work?

Mr. MAYPER. I don't think it was the most important, or the only cause; but it certainly was a contributing cause. I know from conference with the engineer of maintenance of way of the D. L. & W. Railway last year that they needed a number of men and could not get them during the summer months. That was largely true last summer on account of the considerable highway construction work being carried on in the State. And men were scarce for two months or so during the summer.

Mr. LEISENSON. You heard Mr. March make a statement that the class of men going to these camps were ordinary drunkards and men who do not have any money left after they are out of work a few days. Do you think that the reason that they are in that condition is because they are drunkards, or do you think the conditions have anything to do with making the men drunkards?

Mr. MAYPER. I won't concede that they are drunkards, in the first place. Some of the American hobo type that come there may possibly be of the drunkard type; that is, those whom we may classify as drunkards, to some extent. But the labor camps are filled largely—and this is true of all labor camps—they are filled largely by foreign labor. In rather a rough sketch that I have made in the inspection of 180 camps last year, I think, in the proportion of about two-thirds, using a general average or proportion, about two-thirds of the employees—in round figures, about 100,000 employees—were foreign laborers in the labor camps of the State; and the foreign laborers are not drunkards. They are men, as you know, who come here to earn some money, and they save what they can.

Mr. LEISEN. Did you make any investigations then intended to show that these foreign laborers were acquiring the habits of the ordinary American hobo after working in those camps a certain length of time?

Mr. MAYBER. No, sir; we did not make any such an investigation; I am afraid I could not qualify in that way.

Mr. LEISEN. Are you prepared to make any statement to that effect?

Mr. MAYBER. I don't think I am. I did want to suggest about the system of charges that obtains in the labor camps generally.

Mr. LEISEN. For commissary?

Mr. MAYBER. For commissary; yes, sir. The statement was made that transportation charges were not paid by the men. That is true if they work in the camp. This is generally the rule if they work in the camp for the whole season—if it is three months or four months—but if they leave their employment before the work at that particular place has been completed, the transportation charges which were advanced by the railroad company, by means of a check which the labor agent has gotten, the amount is deducted. That is generally practiced.

As to the commissary charges in the camps for supplies, I would think that is one of the matters that requires the strongest kind of supervision and action by anybody that may have the authority to take such action. The system, as I gathered it, from the inspection of several roads—I am talking of railroads just now; this is somewhat true in other camps as well—there is a storekeeper at a camp which is large enough to have a storekeeper. The storekeeper at the most gives each employee an ordinary little grocer's book as a pass book. When they purchase anything, when a purchase is made, the storekeeper notes the amount, without date, without description of the thing purchased, but just the amount under the number of that laborer, 10, 20, or 30; no name or address or anything else. Sometimes they have the name. If the purchases are made over a period of 10 days there is no way of distinguishing which purchases were made on any one day, 15, 20, 12, alongside of each other; there is no possibility of checking it up. The commissary at the same time makes an entry in the little book which is in the possession of the laborer, if he has such a book, and he returns the book to the laborer. The laborer is very frequently very illiterate, can not even read figures, and doesn't know what is marked down there, and must go to his friend if he wants to check it up—some one in the camp who may be able to read. At the end of the 15 days the storekeeper makes a charge account for each man; does not itemize it, excepting No. 10, \$2, No. 15, \$10, and sends this slip to the labor agency in New York, the labor agency O. K.'s it and sends it to the railroad company, and that amount is deducted from each particular check. That has proven the source of a considerable number of complaints filed with us, and in checking up we find it impossible to check up. The storekeeper may charge anything he pleases, and may deduct anything he pleases, and there is absolutely no recourse.

We have had offices do that. In fact, a certain minimum amount was deducted every week, anyway. In one instance, in my recollection—not on the Erie—it was required that at least \$3 be purchased every week from the commissary department. Even if that amount was not purchased it was deducted.

Mr. LEISEN. Three dollars was deducted?

Mr. MAYBER. Three dollars was deducted for commissary supplies. On examination of the books at one time I found that the amount which they had, which two or three laborers had purchased one week, totaled \$2.20, or \$2.30, or \$2.70, and the balance was simply added on to make it up to \$3, or a little over—\$3. That is being done still in a number of camps.

Mr. LEISEN. You also have had some experience in regard to employment offices? Are you in position to give us any criticism of this plan? Or would you prefer to give that to the commission in writing?

Mr. MAYBER. Perhaps I can make it clearer by not going into it in great detail at this time, if you will.

Mr. LEISEN. Very well.

Mr. MAYBER. Our committee has had some legislation along the same lines, has proposed some legislation along the same general lines. Early in 1911 the league started to gather information, whatever information they could on this question of the distribution and aid of the immigrant, as it related to the immigrant, and as the result of their study for about two years, early in October of this year we had drafted three bills, a series of three bills, which were submitted to the Federal Department of Labor; secondly, regulating all em-

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ployment agencies doing interstate business; and third, all steamship ticket agencies.

Mr. LEISEBSON. We have had copies of that. I would like to know what is your criticism of this, so far as you have any?

Chairman GARRETSON. Can not you ask that that be submitted in writing?

Mr. LEISEBSON. Suppose we have that in writing? We have got to get through with a certain number of witnesses.

Mr. MAYPER. There are several matters that I think I can possibly submit to you in that way.

Commissioner BALLARD. Did you get up that report on the camps? Did you have to make a formal report on camps of New York State?

Mr. MAYPER. That is found in the report of the New York State Bureau of Industries and Immigration.

Mr. LEISEBSON. We have copies.

Commissioner BALLARD. Was the report on sanitation printed?

Mr. MAYPER. That is not printed. It has been drafted, and decided upon, but it is being printed.

Commissioner BALLARD. Let us have a copy of it, please.

Mr. LEISEBSON. I will see that you get it.

Mr. MAYPER. There is one one thing I might add, if you are interested; that is, regulation of employment agencies doing interstate business. There are many complaints received along that line.

Mr. LEISEBSON. We have developed that.

Mr. MAYPER. Yes.

Mr. LEISEBSON. Any of those suggestions that you have we should be very much obliged to you if you would give them to us in writing.

Mr. MAYPER. Very well.

Chairman GARRETSON. That will be all.

The hour for conference is up, and the conference will reconvene in the morning, in the chamber of the board of estimates, upstairs, at 10 o'clock a. m.

Commissioner HARRIMAN. Perhaps you better announce the subject.

Chairman GARRETSON. On the subject of the American Federation of Labor, the Socialist Party, and the Industrial Workers of the World.

(At 4.30 o'clock p. m. an adjournment was taken until May 21, 1914, at 10 o'clock a. m.)

EXHIBITS.

BRESSLER EXHIBIT.

The intent of the proposed measure is primarily to increase the efficiency of labor agencies, and by a proper cooperation between them and central clearing houses, to connect the laborer with the job. There is no doubt that the bill presents many commendable features and that it will increase and improve the facilities for closer cooperation between employer and employee. It should increase the confidence of employers of labor in labor agencies, and by prohibiting a registration fee, it will on the other hand likewise increase the confidence of the workmen in such agencies.

Among the purposes of the proposed bureau is the following: "To do everything that is possible to aid in securing the fullest application of the labor forces of this country." Such purpose invests the bureau with a broad scope and implies the recognition that the unemployment situation may be ameliorated. What, it may be asked, is the most important factor in maintaining what is known as the reserve army of the unemployed? The most generally recognized cause is seasonal variation of business activity. According to the census of 1900, among masons and plasterers, more than one-half were out of work a portion of the year. Of brick and tile makers, nearly one-half were at times unemployed; among paper hangers, the proportion was 44 per cent; among carpenters and puliters, over 40 per cent. In the same period, more than one-fourth (27 per cent) of all tailors were out of work at some period. To discuss whether or not such seasonal variation may be overcome, is purely theoretical. However, there is a class of labor which is capable of shifting from one industry to another, and that is unskilled labor. Unfortunately the interchange of unskilled labor between various large industries throughout this country is restricted by the geographical location of these industries. In normal times it has been established that the large employers of unskilled labor can not supply their demand. For example, the investigators of the United States Immigration Commission were informed that as regards the Birmingham iron and steel industry in Alabama, the ordinary labor supply which may be relied upon continuously affords about 50 per cent of the total necessary to operate all plants and mines. According to an investigation made by the United States Bureau of Labor, the demand for laborers of all kinds in all lines of industry greatly exceeded the supply during the year 1906. One of the great lines of railroads reported an increase in its construction and track gangs of 41 per cent in 1906 over 1905, and the president of one of the largest railroads stated: "Our work was delayed in both years, 1905 and 1906, by the inability to get workmen." No one will argue that the inability of these labor-employing companies to get adequate labor is altogether due to a shortage of supply, because it is well known that even in the best of times thousands of able-bodied common laborers are without employment. The main factor, as already indicated, is the inability of these unemployed common laborers to connect with the jobs, because, first, of their ignorance of the existing opportunities, and, second, even if informed, their inability to proceed to the point of employment.

As to the first, the measures proposed by the bill should provide such laborers with the necessary information through the bulletins which it is intended that the bureau issue in all the necessary languages. But the question is forced on us, What provision can be made for that large number of unskilled laborers in a destitute condition who would be precluded from acting on the bureau's information by lack of funds for transportation? I think it of high importance that this problem receive your very earnest consideration, for we have in our midst a preponderance of unskilled labor and our immigration is largely compounded of common laborers. If we consult the immigration figures for last year we will find that out of almost 1,200,000 arriving immigrants, only 160,108 were skilled, whereas of those termed "miscellaneous" (unskilled) there were 727,127; the remaining 207,188 had no occupation, but this number included women and children. Unquestionably the bureau can not differentiate in favor of one class of employees as against

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another, but no class of workmen is more in need of guidance and information than is the unskilled laborer. He is the only one who is usually exploited, because of his need to accept anything which offers itself in the way of employment.

Therefore, I venture to urge a consideration of the needs of the unskilled laborers who, although provided with favorable information as to employment, will be unable to pay the fare to the designated point. In this connection, I want to cite the experience of the Division of Information of the Department of Labor at Washington which is most illuminating. That division, since the year 1907 has concentrated its efforts to influence a distribution of our immigrants into industrial and agriculturally favorable sections of the country. In that period it has extended information to over 121,477 applicants of whom only 25,299 availed themselves of the advice and located in other sections of the country. It should be noted that in this same period 3,164,139 immigrants arrived. In explanation of this scant result, the division in its report for the year 1913 says, among other things: "Transportation is still the great stumbling block to distribution. I am of the opinion that mileage, issued by the Government and so arranged as to be honored by all railroads on presentation, would be of great economy and value to the Government and to traveling seekers of employment, if a plan can be perfected which will be acceptable to the transportation lines."

In this connection it is possible in place to point out that yearly there is a considerable balance over and above the cost of running the Immigration Service for its various departments, such surplus being derived from the head tax paid by the immigrants themselves, and now representing the substantial total of almost \$8,000,000. Might not use be made of this money which belongs to one class of our labor, namely, the immigrants, in bringing them and the job together? If deemed desirable or advisable the Government might even arrange so as to merely advance the fare, to be refunded in installments by the employer, out of the wages of the employee.

Advisory council. Equal representation of employers and employees.

What employees?

Whenever representation of employees is spoken of we naturally have in mind those employees which are organized. These, unquestionably, should have representation. But what about the preponderating element of employees who are not organized and whose interests should be safeguarded in determining the policies of the bureau?

Section 7. Clearing house. This section as to the collating and distributing of information is somewhat vague.

1. Is it intended that every clearing house in receipt of information send the same to the central bureau at Washington before distributing it direct to the labor agencies in its district? Or is it empowered immediately to act on this information and to prepare it in suitable form for both employer and employee in its jurisdiction? If the former, will there not be entailed a loss of time which may defeat the necessary timeliness so important in information of this kind.

2. Has the commission considered the advisability of a clearing house in agricultural sections designed especially for that large number of peasant workers who are unable to procure the opportunity to work at their natural calling because of the peculiar economic conditions at the ports of entry which make it imperative that such laborers accept any form of employment for means of subsistence?

In this connection, I desire to call attention to the fact that in the year 1913 alone over 320,000 farm laborers arrived in this country, the greatest proportion of whom were compelled to seek employment in plants and factories for the reason above indicated. Especial effort should be made to place these workers on farms and specially in the southern sections of this country which have long clamored for agricultural laborers and whose regions are relevantly undeveloped because of their inability to procure such farm laborers.

The fate of the peasant immigrant in this country has long been the subject of comment. Time and again it has been demonstrated that as soon as these laborers accumulate a pittance many of them leave this country to return to their native shores there to buy a piece of land often valueless and at extortionate prices. It has been estimated by Lajos Steiner, possibly the best informed student of this question, that annually \$300,000,000 in immigrant savings is taken out of this country by the departing aliens who could not satisfy in this country their land hunger.

MARE EXHIBIT.

Annual report of age, nationality, service, residence, and beneficiary statement of men registered, 1913.
RESIDENCE STATEMENT, REGISTRATIONS, 1913.

	Other places.	Buffalo	Con- neut.	Ashta- bulla.	Cleve- land.	Loran.	Toledo	Detroit	South Chicago	Chicago	Mil- waukee.	Duluth	Marine City.	Algo- nac.	Port Huron.	Total.
Masters.....	121	38	11	6	100	6	3	37	.....	12	9	8	48	14	17	490
Chief engineers.....	321	90	16	7	132	8	9	13	.....	4	4	27	94	34	44	940
Mates.....	113	44	17	13	58	11	4	21	1	10	14	12	57	10	27	491
Assistant engineers.....	253	56	18	18	56	7	11	52	.....	18	18	23	61	11	30	612
Ables.....	3,452	941	93	93	799	91	112	314	124	545	274	230	252	53	120	7,613
Ables.....	4,886	1,011	104	219	932	213	130	402	145	432	396	339	96	24	66	9,388
Ordinary seamen.....																
Total.....	9,217	2,180	235	345	2,137	329	269	999	273	1,061	761	629	608	146	304	19,483

BENEFICIARY STATEMENT, REGISTRATIONS, 1913.

	Wife.	Mother.	Father.	Sisters and brothers.	Children	Husband.	Persons not re- lated.	Relation- ship not given.	No bene- ficiary.	Miscel- laneous.	Total.
Masters.....	249	13	1	15	13	.....	1	23	4	10	430
Mates.....	489	218	8	163	18	.....	17	37	3	16	949
Chief engineers.....	370	36	11	23	12	.....	3	25	2	9	491
Assistant engineers.....	265	175	47	164	116	.....	6	22	2	13	612
Ables.....	979	2,318	1,046	1,646	74	.....	766	48	242	510	7,933
Ables.....	268	3,383	1,846	1,826	75	88	745	8	242	660	9,388
Ordinary seamen.....											
Total.....	2,720	6,353	2,966	3,692	242	93	1,543	163	459	1,257	19,483

RESIDENCE STATEMENT, LICENSED OFFICERS, REGISTRATIONS, 1913.

	Other places.	Buffalo	Con- neut.	Ashta- bulla.	Cleve- land.	Loran.	Toledo	Detroit	South Chicago	Chicago	Mil- waukee.	Duluth	Marine City.	Port Huron.	Algo- nac.	Total.
Masters.....	121	38	11	6	100	6	3	37	.....	12	9	8	48	17	14	430
Chief engineers.....	113	44	14	12	98	4	4	71	1	10	14	12	57	10	27	491
Mates.....	321	90	6	7	132	8	9	83	3	4	44	27	94	44	34	949
Assistant engineers.....	254	56	7	8	56	7	11	52	.....	18	18	23	61	30	11	612

Annual report of age, nationality, service, residence, and beneficiary statement of men registered, 1913—Continued.

BENEFICIARY STATEMENT, LICENSED OFFICERS, REGISTRATIONS, 1913.

	Wife.	Mother.	Father.	Sisters and brothers.	Children.	Persons not related.	Relation-ship given.	No beneficiary.	Miscellaneous.	Total.
Masters.....	349	13	1	16	13	1	23	4	10	430
Chief engineers.....	370	36	11	23	12	3	25	3	9	491
Second engineers.....	433	215	13	63	18	16	97	2	11	612
Assistant engineers.....	283	175	47	74	8	6	22	2	13	612

	Buffalo.	Conneaut.	Ashland.	Cleveland.	Lorain.	Toledo.	Detroit.	South Chicago.	Chicago.	Milwaukee.	Duluth.	Marine City.	Erie.	Algoma.	Total.
17.....	3	5	2	2	1	6	7	10	1	5	3	4	2	1	10
18.....	10	18	33	10	9	9	8	16	5	12	6	3	2	2	62
19.....	31	33	27	27	17	16	11	34	14	19	5	2	1	2	134
20.....	37	58	46	52	28	27	13	40	19	37	20	2	2	1	203
21.....	107	110	72	72	32	37	17	37	27	37	29	2	2	1	475
22.....	130	130	54	54	43	24	17	37	27	35	29	2	2	1	545
23.....	160	160	49	70	43	33	15	35	24	23	23	1	1	1	545
24.....	149	149	53	76	31	32	16	31	20	20	17	1	1	1	504
25.....	109	109	44	74	26	20	16	31	18	31	14	1	1	1	468
26.....	47	47	54	54	31	27	13	33	18	31	16	1	1	1	433
27.....	54	54	29	29	13	26	14	37	15	16	27	1	1	1	349
28.....	101	101	46	46	14	13	6	28	15	16	7	1	1	1	349
29.....	81	81	27	27	19	18	8	26	10	12	12	1	1	1	288
30.....	30	30	47	47	19	16	8	19	16	18	7	1	1	1	220
31.....	19	19	19	19	14	16	8	19	16	18	7	1	1	1	220
32.....	80	80	21	21	14	16	8	19	16	18	7	1	1	1	220
33.....	83	83	16	16	13	13	4	13	13	20	14	1	1	1	259
34.....	13	13	13	13	9	13	6	16	11	10	14	1	1	1	187
35.....	62	62	18	18	13	8	7	18	14	13	6	1	1	1	131
36.....	54	54	18	18	18	8	7	18	14	13	6	1	1	1	131
37.....	39	39	15	15	9	6	3	17	6	12	6	1	1	1	140
38.....	40	40	13	13	11	9	2	19	6	5	6	1	1	1	150
39.....	18	18	11	11	12	8	6	9	5	10	9	1	1	1	128
40.....	13	13	11	11	6	8	6	9	5	10	9	1	1	1	128
41.....	28	28	10	10	8	10	3	10	7	11	3	1	1	1	103
42.....	23	23	9	9	11	16	3	19	6	6	2	1	1	1	103
43.....	19	19	9	9	11	8	1	5	8	8	2	1	1	1	91
44.....	4	4	4	4	5	8	5	3	3	3	1	1	1	1	60
45.....	11	11	11	11	9	10	2	5	3	3	3	1	1	1	71
46.....	13	13	4	4	7	10	2	5	3	3	3	1	1	1	63

EMPLOYMENT OFFICES AND UNEMPLOYMENT.

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[illegible]

Average age 20 years 9 months 16 days.

NATIONALITY STATEMENT, REGISTRATIONS AND RENEWALS, ABLE SEAMEN, SEASON 1913.

[illegible]

* *Annual report of age, nationality, service, residence, and beneficiary statement of men registered, 1913—Continued.*

	Buffalo.	Conneaut.	Ashita-bula.	Cleveland.	Lorain.	Toledo.	Detroit.	South Chicago.	Chicago.	Milwaukee.	Duluth.	Marine City.	Erie.	Algonac.	Total.
Greece.	45	22	15	27	16	4	2	9	2	2	4				148
Egypt.	4	3	1	3	1	4				2					10
Belgium.	10	3	3	4	1		1	1	1	2	3				36
Portugal.		1								1	1				21
Bulgaria.				1	1	1									1
South Africa.		1	1		1					1					1
Spain.				1											1
Sweden.	1			1											2
Smyrna.		1													1
Egypt.				1											1
Brazil.	1														1
Argentina.	1			1	1										3
Total.	1,941	776	761	1,146	551	483	206	627	349	457	289	21	18	8	7,013

SERVICE STATEMENT OF ABLE SEAMEN REGISTERED, 1913.

Less than 1 year...	5	42	31	14	19	6	3	7	3	6	9	8	13	1	2	152
1	20	48	41	68	40	14	12	31	51	27	27	27	17	3	2	322
2	29	63	63	102	48	39	15	33	35	36	27	27	27	1	2	546
3	65	83	70	122	60	40	20	66	40	34	31	41	31	3	3	734
4	101	104	84	142	84	54	29	72	54	44	34	34	34	1	1	913
5	229	130	97	188	104	44	19	77	58	38	34	32	32	1	1	1213
6	230	140	101	198	132	35	16	75	57	35	34	34	34	1	1	1710
7	229	170	115	218	156	44	18	84	54	34	36	36	36	2	2	2150
8	189	144	54	71	35	34	18	54	34	26	26	35	21	1	1	2590
9	159	36	39	24	25	25	32	34	34	32	32	15	15	2	2	489
10	138	41	48	62	33	22	14	29	21	21	27	17	17	1	1	339
11	115	46	46	52	27	20	10	29	20	11	13	13	12	1	1	329
12	115	21	30	46	9	10	10	20	14	11	10	10	10	1	1	2719
13	84	16	20	30	19	13	6	21	14	14	10	10	4	1	1	2006
14	96	14	23	38	16	25	4	15	34	24	24	11	11	1	1	306
15	48	15	13	31	12	12	4	15	8	7	8	6	6	1	1	173
16	40	10	14	19	11	11	4	12	8	8	8	3	3	1	1	123
17	30	10	14	11	10	10	4	12	8	8	15	8	8	1	1	195
18	26	17	38	30	16	16	4	19	13	13	13	7	7	1	1	182
19	16	16	7	7	8	4	2	4	13	8	8	4	4	1	1	127
20	9	7	7	7	3	4	2	4	8	3	3	2	2	1	1	87
21	26	9	7	10	6	7	2	12	12	8	3	3	2	2	2	87
22	18	6	7	7	6	9	2	10	10	3	3	1	1	1	1	167
23	11	6	2	7	17	10	2	13	13	20	13	13	4	1	1	167
24	17	5	4	9	7	7	3	7	7	2	2	1	1	1	1	75
25	18	5	4	8	2	2	2	6	6	2	2	3	2	1	1	58
26	22	3	2	2	2	2	2	5	5	3	3	3	3	1	1	46
27	7	2	10	2	2	1	1	4	4	1	1	2	2	1	1	44
28	3	2	2	14	4	7	2	4	4	1	1	3	3	1	1	44

EMPLOYMENT OFFICES AND UNEMPLOYMENT.

1369

[illegible]

EMPLOYMENT OFFICES AND UNEMPLOYMENT.

1871

	2,280	676	1,128	1,108	863	399	362	650	225	657	729	11	1	9,388
41.	3	4	0	4	2	3	3	1	1	2	4	4	1	28
42.	15	5	6	7	4	4	4	4	2	1	1	1	1	57
43.	10	6	6	6	1	3	1	4	1	1	1	1	1	44
44.	9	2	4	1	1	2	1	1	1	1	1	1	1	23
45.	9	2	4	1	1	2	1	1	1	1	1	1	1	30
46.	6	2	1	1	1	1	1	2	1	1	1	1	1	21
47.	4	2	1	1	1	1	1	1	1	1	1	1	1	26
48.	6	2	1	1	1	1	1	1	1	1	1	1	1	9
49.	4	2	1	1	1	1	1	1	1	1	1	1	1	29
50.	4	2	1	1	1	1	1	1	1	1	1	1	1	13
51.	1	1	1	1	1	1	1	1	1	1	1	1	1	10
52.	1	1	1	1	1	1	1	1	1	1	1	1	1	10
53.	1	1	1	1	1	1	1	1	1	1	1	1	1	6
54.	1	1	1	1	1	1	1	1	1	1	1	1	1	6
55.	1	1	1	1	1	1	1	1	1	1	1	1	1	3
56.	1	1	1	1	1	1	1	1	1	1	1	1	1	3
57.	1	1	1	1	1	1	1	1	1	1	1	1	1	3
58.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
59.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
60.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
61.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
62.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
63.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
64.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
65.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
66.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
67.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
68.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
69.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
70.	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Total	2,280	676	1,128	1,108	863	399	362	650	225	657	729	11	1	9,388

Average age, 24 years 5 months 7 days.

NATIONALITY STATEMENT, ORDINARY SEAMEN REGISTERED AND RENEWED, SEASON 1913.

	1,188	555	529	822	617	467	273	391	146	473	450	9	1	6,201
United States	1,188	555	529	822	617	467	273	391	146	473	450	9	1	6,201
Canada	99	28	35	32	21	27	21	18	4	13	50	2		230
England	75	9	25	29	9	16	22	19	3	11	26			233
Scotland	25	9	13	11	8	13	7	11	7	5	5			100
Ireland	45	10	15	33	11	13	3	11	7	5	5			176
Australia	4	1	2	2	2	1	1	1	1	1	1			13
Germany	131	13	21	48	25	14	8	15	15	56	31			317
Sweden	53	13	4	17	11	2	7	3	9	18	8			377
Poland	162	6	4	16	51	2	1	10	1	5	15			276
Belgium	35	11	78	16	7	3	1	10	1	5	47			201
France	2	1	1	5	1	1	1	1	3	3	1			16
Wales	2	2	1	1	1	1	1	1	1	1	1			6
Roumania	2	2	1	2	1	1	1	5	2	1	1			115
Hungary	30	7	17	17	24	5	2	6	2	1	2			115
Italy	130	21	25	32	23	12	15	53	5	24	21			362
Norway	74	3	17	33	13	5	3	13	4	25	40			296
Denmark	3	2	2	3	1	1	2	1	1	1	1			22
Spain	103	16	31	32	69	16	2	36	8	15	25			354

Annual report of age, nationality, service, residence, and beneficiary statement of men registered, 1913—Continued.

NATIONALITY STATEMENT, ORDINARY SEAMEN REGISTERED AND RENEWED, SEASON 1913—Continued.

	Buffalo.	Conneaut.	Ashita-bula.	Cleveland.	Loram.	Toledo.	Detroit.	South Chicago.	Chicago.	Milwaukee.	Duluth.	Marine City.	Erie.	Algonac.	Total.
Switzerland.	7		3	2		1		1			1				15
Denmark.	10		3	10	1	2			4	5	6				50
Greece.	12		10	2	1	4		5	1	4	2				44
Turkey.	11	2		2											13
Russia.	11		2	2	2	1				4					18
Belgium.	2									2	1				6
Portugal.		1													1
Bulgaria.															1
Yugoslavia.	5								1						5
South America.					1										1
Yugoslavia.	1		1	3											5
Lithuania.				1											1
Alders.															1
Bermuda.	1														1
Servia.	2														2
China.					1			1							3
Malaya.		1		2											3
Syria.									1						1
New Zealand.										1					1
India.															1
Armenia.	1			1											1
Total.	2,289	576	1,128	1,198	863	599	362	650	225	657	729	11	1		9,388

EMPLOYMENT OFFICES AND UNEMPLOYMENT.

1373

SERVICE OF ORDINARY SEAMEN, REGISTRATIONS AND RENEWALS, SEASON 1913.

Less than 1 year.....	948	335	634	628	501	311	215	319	48	224	445	8	4,679
1.....	434	102	137	223	89	87	45	89	46	136	130	1	1,519
2.....	286	74	120	96	46	59	31	62	35	53	53	2	755
3.....	225	55	84	79	46	38	24	27	26	47	23	1	475
4.....	130	35	54	31	24	12	11	18	17	25	12		250
5.....	61	13	26	9	5	14	2	16	8	21	8		133
6.....	35	13	16	20	6	7	2	13	8	20	8		141
7.....	24	7	10	12	7	6	2	6	2	10	1		43
8.....	10	6	4	3	5	11	2	7	5	6	1		46
9.....	2	2	3	4	1	1	2	1	1	2	1		83
10.....	6	2	3	4	5	1	2	5	5	1	1		20
11.....	10	3	7	6	1	1	2	1	1	1	1		20
12.....	3	3	2	2	3	1	3	1	1	4	1		50
13.....	3	3	2	3	3	1	3	5	1	3	1		17
14.....	3	3	2	3	4	1	3	2	1	1	1		41
15.....	7	2	2	2	4	1	3	1	1	1	1		12
16.....	1	2	5	2	1	1	1	1	1	1	1		8
17.....	5	2	1	3	3	2	2	1	4	1	1		32
18.....	1	1	5	1	5	1	1	8	1	1	1		7
19.....	4	1	5	1	5	1	1	1	1	1	1		4
20.....	4	1	5	1	5	1	1	1	1	1	1		3
21.....	1	2	2	1	1	1	1	1	1	1	1		3
22.....	1	1	1	1	1	1	1	2	1	1	1		4
23.....	1	1	1	1	1	1	1	1	1	1	1		3
24.....	1	1	1	1	1	1	1	1	1	1	1		4
25.....	1	1	1	1	1	1	1	1	1	1	1		3
26.....	1	1	1	1	1	1	1	1	1	1	1		3
27.....	1	1	1	1	1	1	1	1	1	1	1		3
28.....	1	1	1	1	1	1	1	1	1	1	1		3
29.....	1	1	1	1	1	1	1	1	1	1	1		3
30.....	1	1	1	1	1	1	1	1	1	1	1		3
31.....	1	1	1	1	1	1	1	1	1	1	1		3
32.....	1	1	1	1	1	1	1	1	1	1	1		3
33.....	1	1	1	1	1	1	1	1	1	1	1		3
34.....	1	1	1	1	1	1	1	1	1	1	1		3
35.....	1	1	1	1	1	1	1	1	1	1	1		3
36.....	1	1	1	1	1	1	1	1	1	1	1		3
37.....	1	1	1	1	1	1	1	1	1	1	1		3
38.....	1	1	1	1	1	1	1	1	1	1	1		3
39.....	1	1	1	1	1	1	1	1	1	1	1		3
40.....	1	1	1	1	1	1	1	1	1	1	1		3
41.....	1	1	1	1	1	1	1	1	1	1	1		3
42.....	1	1	1	1	1	1	1	1	1	1	1		3
43.....	1	1	1	1	1	1	1	1	1	1	1		3
44.....	1	1	1	1	1	1	1	1	1	1	1		3
45.....	1	1	1	1	1	1	1	1	1	1	1		3
Total.....	2,289	676	1,128	1,168	863	599	362	650	225	657	729	11	9,338

Average period of service, including those serving less than 1 year, which service is reckoned as nil, 1 year 10 months 6 days.

Annual report of age, nationality, service, residence, and beneficiary statement of men registered, 1913—Continued.
ADDRESSES, ORDINARY SEAMEN REGISTRATIONS AND RENEWALS, SEASON 1913.

	Buffalo.	Comseaut.	Ashwa- bulla.	Cleve- land.	Lorain.	Toledo.	Detroit.	South Chicago.	Chicago.	Milwa- ukee.	Duluth.	Marine City.	Erie.	Algonac.	Total.
Other places.....	1,199	372	689	331	470	371	178	290	103	264	431	1			4,836
Buffalo.....	836	33	17	31	10	2	1	5	9	9	14				1,011
Comseaut.....	54	8	195	5	2			2		3	1				219
Ashwa-bulla.....	71	7	113	488	88	45	17	32	8	15	2				212
Cleveland.....	54	8	10	5	182	7		2			3				212
Lorain.....	7	7	11	13	28	52	136	15	1	11	13				130
Toledo.....	39	19	46	1	5			116	2		1				402
South Chicago.....	43	16	28	21	24	8	5	8	96	30	29				145
Chicago.....	21	14	30	21	7	8	5	132	3	38	1				432
Milwaukee.....	30	13	30	21	23	12	8	8	2	7	194				339
Duluth.....	21	10	10	13	3	4	1	1		2	3				94
Marine City.....	7	7	10	7	11	8	1	2	1	2	2				24
Algonac.....															66
Fort Huron.....															
Total.....	2,289	676	1,128	1,198	863	399	362	650	225	637	729	11	1		9,388

BENEFICIARY STATEMENT, ORDINARY SEAMEN REGISTRATIONS, SEASON 1913.															
Wife.....	60	17	46	46	21	16	8	19	3	22	9	1			293
Mother.....	835	347	485	484	224	258	177	133	75	375	127	6			3,258
Father.....	339	107	181	181	107	107	77	122	32	375	280	1			1,843
Sister and brother.....	37	14	218	235	156	111	63	161	55	92	145	2			1,836
Children.....	14	18	15	9	6	9	5	4	2	1	1				75
Husband.....	285	37	105	108	27	39	7	34	10	13	71				88
Persons not related.....	3		3	1	62	2	4	61	31	22	49				748
Relationship not given.....	225	38	61	96	35	47	23	55	16	44	51				212
No beneficiary.....															690
Miscellaneous.....															
Total.....	2,289	676	1,128	1,198	863	599	362	650	225	637	729	11	1		9,388

ATWOOD EXHIBIT.

NEW YORK, N. Y., May 5, 1914.

LADIES AND GENTLEMEN: I am deeply gratified to be asked to express an opinion before this body to-day, and for many reasons I believe that this meeting has been called to try to earnestly and honestly solve the problem of the great mass of unemployed, which at a certain season of the year comes before us so urgently, and again because having dealt with the workman for over 20 years I am most deeply interested in his welfare and in seeing this problem solved as we should solve it, to be doing our duty to each of our fellow men, and I hope that my view of this matter maybe of a little assistance and have at least some weight in forming a plan of action to alleviate the present conditions.

My experience perhaps makes me realize more deeply than many of you present the necessity and demand for practical action.

For over 20 years I have, through employment agencies, handled laborers for building railroads, dams, aqueducts, canals, and farm work. I have had offices at Portland, Oreg.; Butte, Mont.; Ogden, Utah; Denver, Colo.; Omaha, Nebr.; Roanoke, Va.; Kansas City, Chicago, and Philadelphia, as well as in New York City, and besides these laborers have gathered laborers and distributed them to every city in the Union as well as to Canada and south into Mexico. For about five years I also boarded and run the commissary stores for all laborers employed by the Oregon Short Line Railroad. This boarding outfit usually carried from 1,500 to 2,500 men on its roll steadily, and many times was far in excess of that number; consequently I have come in direct contact with the various classes which you are here to-day to discuss.

When the investigator of labor relations of the United States Government called upon me he showed me a small chart, giving different plans which were to be discussed at this meeting, and asked which I favored. My instant reply (about which I have seen no cause to change my mind) was "none of them."

In the first place there are two causes for the condition which annually strikes all cities in the United States of unemployment: Those who wish to work, but find all farming and railroad labor closed for the winter and those who for many years have come to the great centers, profited by the bread line and the lodging houses and make their calculations of tiding over a cold winter without work in the open. There is but one practical solution of this problem, and that is work. Establishing official centers, putting out daily bulletins, either through postmasters in various parts of the country or through an agency for that purpose, can not work any great reform, as during the summer time it is not necessary, for it is almost impossible to find laborers to meet the demand either for farms or railroad work, and in the winter, when there are no demands for labor in one part of the country, there seldom is in another. Only three winters since I have been handling laborers have large works started and been kept up continuously through the winter and employed all the labor which we could obtain, and when these very active winters were demanding the labor in one part of the country I noted that the same activity was taking place in all parts of the United States, and that there was very little use in trying to induce men from any other part of the country to travel for miles to any particularly large contract—there was plenty of work for them nearer home. The keeping of these bulletins or statistics by the Government at Washington of the great army of unemployed would, it seems to me, only be creating labor for clerical help and would be a very fine source of appointments for some noted politician to hand out, but I can not understand where it would help the laborer who is waiting outside for a job. It reminds me most forcibly of a so-called charitable institution which, some two or three winters ago, during the idle season, placed an "ad." in the morning papers for all men needing employment to call at their office early the next morning. Men lined up for blocks, were kept in line by the police from 4 o'clock in the morning until nearly noon. They passed into the office in rotation to be handed blanks requesting their name, address, nationality, number of their family, and class of work which they could do. Toward noon the matter was investigated officially and inquiry made as to what it was done for and the answer was "to get statistics as to how many unemployed there was in the city." It occurred to me that it was a great deal like a scientist impaling an insect. It was very good for the scientist, but very hard on the insect. I can not under-

stand where these pretty theories and statistics are going to be of any possible aid in furnishing employment to the laborer.

Another thought of the Government is "back to the soil." This is a splendid idea, but I have noted that wherever I have shipped a laborer who in his heart was a farmer, who wished for that work, and who ever wanted a home, he always found his particular piece of ground to till, whether he was sent to the wilds of Idaho or the glades of Florida, for while he handled a pick and shovel his mind continually roamed to that home, which in imagination, he knew was waiting somewhere for him, and he has been ready to toil and save and find his place in the world.

The larger percentage of the foreign element who come into this country will not farm. It is impossible, during the farming season, to commence to fill our orders for farm hands at even the very best of wages and many of them are then incompetent and unwilling to learn. In this connection would say I held on my books for many months three distinct places where I could send families, fare advanced. The places were furnished with horses, a cow, pigs, seed, and the living for the first year until crops were harvested and every opportunity given to own their own home. Any nationality accepted if they were real farmers. The result was one German family sent in eight months. This family, by the way, have made exceedingly good money and done well. As a rule all foreigners wish day wages and regular pay day and no sense of responsibility. I see but one possible suggestion, and that is, making the employment, and not scattering the laborer to that which is already in progress.

If the State of New York would open at least two pieces of work (and we certainly have a demand for highway improvement) and be ready for this work to commence as the general work of the country begins to decline next fall, I think this problem would be solved in so short a time that we would be amazed at the results. I would suggest work which could be readily furnished by our State engineers, where there is rock to be handled. In many places in this State immense rock cuts have taken the entire winter, and the rock underlying this part of the country is handled even better in cold weather than in summer. If for this work, as an experiment, the State or city does not wish to incur the expense of a large plant, there are several large firms from whom rock crushers, steam shovels, and all implements could be rented at nominal figures. On one piece of this work I would use all unemployed men who were willing to work and can not obtain it, and this can be done at the ordinary wage schedule which prevails in this State to-day, of \$1.00 for eight hours. Good portable buildings at very cheap rates can be placed on this work, organizing a good, up-to-date camp, and doing this work at a lower price than any contractor in the State can possibly handle it for.

The second piece of work, which should be opened at the same time, should be as near as possible to the city. There are several places I have in mind where large crushers are needed, where the rock can be prepared (except for a few days) during any ordinary winter, and at any time can be distributed along the line where it is to be used.

For this second camp I would use the unemployable man who refuses work, frequents the lodging houses, and the bread line. I would have him arrested for vagrancy. Thirty days good work in the open air, with proper food and proper sleep would make a workingman out of a street "bum." Jailing a man for vagrancy does not do this. While this second camp would have to work under guard, these camps can be made sanitary, homelike, and cheerful. Not a place of punishment, but one which will send out better men physically and mentally when their time is up.

If there are married men at either of the above camps, then I would suggest that a certain percentage of their money be turned over weekly to their families. In this manner we are taking the burden of the families from the charitable organizations of this city; we are taking the man from the round of the charity organizations or being supported by the taxpayers in jail and making him a self-supporting unit as he should be. I do not believe that we should make a single human being a mendicant. He has the right to be a self-respecting, self-supporting man, and if the conditions have brought about the present state of affairs, then we should right about face, at once find the remedy, which is self-respecting work; and strong, healthy people who will not work willingly should be made to do it. Idleness is simply a habit.

I note that the Government investigators seem to think that the cities are only crowded in winter because men come here to look for work. This is not so.

Small towns and the country will not tolerate idle men who are discharged from the farms and work lying around all winter, and the men state frequently and frankly that nowhere can they live so easily and so well as in the large centers.

To show that the matter of road work is perfectly feasible and can be done in a satisfactory manner, and also with a saving of money to the State, I would like to quote a few figures. I find in the report of the State Highway Commission of New York for 1912 that the ordinary work through this State where there was only a little earth grading runs from \$12,130 up to \$52,078 per mile. I find again in the comparative figures on work done in 1900 in the United States, compiled by J. E. Pennybacker, Jr., that the cost per mile of roads varied and was the least in Arkansas.

	Gravel.	Macadam.	Bituminous.
Arkansas.....	940	325	.....
California.....	1,375	5,375	8,575
Pennsylvania.....	1,375	9,164	10,000
Virginia.....	2,200	4,920	.....
New York.....	5,650	9,490	.....

You will note in the foregoing table of prices that work in New York is much higher per mile than any other State for the same line of road. This, I am positive, is not necessary, as the material for good road making is very near at hand, and if a good, competent engineer were put in charge and work handled in a businesslike manner by checking all accounts through an auditing committee so that only actual expenses need be met and graft could not exist I think better roads for less money will be found to be an actual fact, and the taxpayer profit by it.

There has been within the past 60 days a little over 48 miles of new-road contracts let in this State at an average price of \$19,400 per mile, or, at least, this would be the price of the lowest bidder; and it is not possible that the city or State taking charge of one of these pieces of work could not handle it at the same figures or less and work out this great problem of employment which is calling the attention of the world.

Many States in the West are already building roads with prison workers and have found it not only feasible but that they saved the men, morally and physically, as well as saving money. I note in an article of the department of justice in the State of Iowa that they are working men at a wage schedule of from \$2 to \$2.50 per day; that the cost of the maintenance of their prisoners, which covers both guards and food, is \$1.01 per day; that the balance of the wages in cases of families is being turned over to them. Where there is no family it is all paid by for the man when his term ends, giving him a start of a few dollars instead of being a mendicant.

In Colorado, where prisoners are used upon both farming and road work, I find by the report of the warden, Thomas J. Tynan, that he speaks in terms not at all uncertain of the good that has been accomplished. I would quote one paragraph from his report:

"By working convicts on public highways we have saved the State many thousands of dollars, and the taxpayers have received the benefit of this tremendous saving. To give an idea of the great saving to this State, I wish to quote a few figures based on actual facts: 'During the year 1909-10 we built 57 miles of finished roadway, saving the taxpayers of Colorado \$223,470.56 in actual cash. The above figures based on contractors' estimates. The cost to maintain these men was 32 cents per day per man, and not only are they building good, substantial roads under competent overseers but they are gaining a knowledge and physical condition that will enable them to earn honest livelihoods.'"

You understand, in Colorado these prisoners working on the road are nearly all State's prisoners under long sentences and are worked in honor camps without guards, and the watchword of the Colorado prison has been reform and not punishment, and they are realizing to-day and sending into the world a class of men with better habits, mentally, morally, and physically, than ever before.

I worked for many years with the Prisoners' Aid Association, and my experience has been that the man, whether a prisoner or free, who is obliged to do good, wholesome work and is made an economic factor, and the wage earner,

as well as consumer, is the man who counts not only in dollars and cents but in his own estimation and self-respect, and every man taken from the great army of the unemployed and made to work for 60 to 90 days systematically and regularly, well fed and housed, has acquired a habit that will raise him to higher citizenship and make him a man in every sense of the word.

I was in Colorado many years ago, when the Coxey Army made their headquarters there, arranging for their trip to Washington. Up to that date it had been very easy to fill orders for railroad work with the English-speaking class, a large percentage of these being, of course, Irish, Swedish, and German-Americans. This army formed at a time when a wave of unemployment swept the country. This class, without exception, drifted into the Coxey Army. They demanded something for nothing. Food and shelter without work, and became from workmen, in every sense hoboos. Many of these men I had placed on work for years and I was interested enough to keep track of them afterwards, and when the army was disbanded I found about 5 per cent of these men ready for employment again. The balance were divided into two classes; one demanding positions and wages which they were not at all fitted to take and claiming that they were too good for common labor, the balance formed the army of tramps and hoboos that for many years infested the Western States and have not entirely disappeared. Those who before that time would have been ashamed to accept charity had acquired the habit of indolence and getting something for nothing.

Another point: I find that many of the immigrants come to this country fully understanding that there are all sorts of charitable institutions which will carry them on if they have simply enough to land here. For example, one Russian was only in this country some two weeks when his wife was in the confinement ward of an East Side free hospital, three children were in various charitable institutions, and he himself had received aid. On questioning him I found that friends in this country had urged him to come and save all expenses which it would cost him in the old country, and that all of the immigrants from his part of the country had been informed the same; that there was no expense in this country as we were very anxious to receive them. He fully believed that Roosevelt's policy was certainly a winner for the immigrant families.

In conclusion, I firmly believe that one year's trial of this plan would lessen the number of unemployed in this city to such an extent that you would feel the problem solved. I believe that if the United States Government would open one large piece of work on the Mississippi levee in the same manner they would find that nothing more was necessary, and I am sure you will all agree with me when I say that every dollar of money which both State and National Governments can spare should go to the making of employment and not to theories and statistics. No chain of agencies formed in the United States, whether private or Government, can give work when no work is to be had. Each State has been working out its own problem and can not take care of those within its borders, while each State would like to obtain labor from some outside source and can not find it. The table of prices of road work which I read to you some time ago shows that road work to-day in New York State has been let at higher prices and costs this State more than in almost any other State in the Union, while statistics show that New York has more unemployed than any other State. It seems to me that these two assertions should be taken to heart by thoughtful people and be made to solve our problem. Other States are finding that they can do their road work at less than it is costing New York by this same process, and if we were to make prisoners of those refusing legitimate employment and giving work at the ordinary price to those who are willing to accept it we would get the much needed work done at a lower price, make the existence of a municipal lodging house unnecessary, cut out the bread and pie lines from the East Side, take the burden of supporting the families of the unemployed men from the charity organizations, relieve the taxpayers from boarding and caring for vagrants in the jails, and compel every consumer to be a producer whether he wishes it or not. This should be done in all States, but I speak particularly of New York City, because it is the landing place and dumping ground of the immigration of the world and the first place where these immigrants land they are almost certain to return to; and hundreds of them, when sent to distant States for employment, will stay only a certain length of time when they must return to New York City, and if compelled to work when they came here to winter a great number would not return, and I fancy that other surrounding States will very soon have to

start work in the same manner to protect themselves from New York's overflow, which will stampede to other centers as soon as compulsory work is commenced here.

I can not see where there should be any aversion to prison labor. Because the man is arrested he is not out of existence. He is still a consumer—a unit to be figured upon, and he should not only be allowed, but compelled to be a producer.

I find in the yearly report of John A. Benschel, State engineer, that the State and county roads under improvements for one year shows:

	Miles.
State and county roads improved during the year.....	3,578
State and county roads under contract for improvement.....	1,627
Expedited roads (not contracted for, but which is contemplated).....	298
Remaining State and county highways to be improved.....	6,483
Total mileage of public roads in the State of New York, not including New York City.....	80,000

Does it not seem that of all these miles of road for which big money is being paid to the contractors, who do all their work in midsummer, that at least 10 or 20 miles could be reserved by the State and done in midwinter and thus furnish the unemployed of this city with proper work and for ordinary prices, and thus solve the problem of building roads, clearing our prisons, lessening our charities, and stop making our brother a beggar.

LENGTH OF TIME IDLE BETWEEN JOBS—JANUARY, FEBRUARY, MARCH, APRIL, 1914.

	LENGTH OF LABOUR DELIVERIES											
Less than 1 week.....	65	36	9	11	101	31	1	0	43	1	1	13
1 week or over.....	36	13	5	4	6	41	1	2	5	1	1	2
2 weeks or over.....	7	3	3	3	2	16	1	1	1	1	1	1
3 weeks or over.....	15	9	2	5	21	7	1	1	1	1	1	2
4 weeks or over.....	15	9	2	5	21	7	1	1	1	1	1	2
5 weeks or over.....	15	9	2	5	21	7	1	1	1	1	1	2
6 months to 6 months (inclusive).....	17	10	2	3	16	3	1	0	1	1	1	4
7 months to 12 months (inclusive).....	2	16	9	15	70	22	1	3	23	6	1	307
Unknown.....	193	91	27	35	42	337	86	1	12	94	45	1,457
Total.....	193	91	27	35	42	337	86	1	12	94	45	1,457

THESE ARE THE NAMES OF ALL PERSONS PAYING THEIR EMPLOY DURING JANUARY, FEBRUARY, MARCH, APRIL, 1914.

[illegible]

REASONS GIVEN BY CHILDREN FOR LEAVING THEIR JOBS.

[illegible]

1884 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

HERKNER EXHIBIT No. 2.

The reasons given by children receiving subsequent employment certificates in 1913 for abandoning their places of employment.

Reason for abandonment.	Number.	Per cent.
Discharged.....	597	10.6
Did not like work or place....	561	15.6
Dissatisfied with wages received....	476	13.3
Excessive demands of work.....	457	12.7
Better position obtained.....	353	9.8
Slack work.....	333	9.3
Hours too long.....	105	2.9
Went to country.....	104	2.9
Never got first job.....	83	2.3
Too far from home.....	82	2.3
Refused to work on machines.....	34	.9
Went back to school.....	14	.4
Miscellaneous reasons ¹	313	8.8
Not reported.....	78	2.2
Total	3,590	100.0

¹ Includes the following reasons: Lost permit, sickness or death in family, parent wanted child to change work, child was ill, etc.

The industries which children granted subsequent employment certificates abandoned because of dissatisfaction over hours of work.

Industry abandoned.	Per cent children originally going into specified industry	Specific reason.			Total complaining of excessive hours.	
		Hours too long	Night work.	Sunday work	Number	Per cent.
Department and other retail stores....	18.8	41	16	..	60	57.1
Clothing, men's.....	23.3	7	3	..	10	9.5
Telegraph company.....	1.6	..	2	1	6	5.7
Confectionery.....	5.1	4	..	..	4	3.8
Printing.....	2.7	3	1	..	4	3.8
Canning and preserving.....	1.5	3	1	..	3	2.9
Drugs and chemicals.....	1.1	1	2	..	3	2.9
Straw hats.....	2.9	2	..	..	2	1.9
Miscellaneous industries ¹	17.4	11	2	..	13	12.4
Total	74.7	75	26	4	105	100.0

¹ Includes cotton goods, wood products, paper boxes, leather products, glass, paint, umbrellas, building trades, office and miscellaneous services

² There was no dissatisfaction over long hours in industries into which 25.3 per cent of the children went.

The industries which children granted subsequent employment certificates abandoned because of the demands of the work, 1913.

Industry abandoned.	Per cent of children originally going into specified industry.	Specific reason.										Total complaining of excessive demands.	
		Work too hard or too heavy.	Hard on hands.	Work too dusty.	Discomforting odors.	Work too hot or too hurried.	Too much standing required.	Occupation too hazardous.	Too much walking required.	Too noisy, smoky, or dirty.	Hard on eyes.	Number	Per cent.
Clothing, men's.....	23.3	43	5	1	.....	4	5	2	.....	3	2	64	14.0
Cotton goods.....	7.4	31	1	6	.....	.....	.....	.....	.....	.....	.....	45	9.8
Confectionery.....	5.4	12	1	.....	4	8	1	.....	.....	2	1	28	6.1
Canning and preserving.....	1.5	6	.....	.....	1	.....	.....	.....	.....	1	1	8	1.8
Drugs and chemicals.....	1.1	2	.....	2	2	.....	1	.....	.....	.....	.....	7	1.5
Tin and enamel ware.....	2.5	20	27	.....	.....	1	1	1	.....	1	1	52	11.4
Miscellaneous metals.....	2.8	7	3	.....	2	.....	.....	.....	.....	.....	1	13	2.8
Wooden box.....	2.0	6	1	.....	.....	.....	.....	1	.....	.....	.....	18	3.8
Furniture.....	1.0	3	2	2	3	.....	.....	.....	.....	.....	.....	10	2.2
Miscellaneous lumber products.....	.8	18	.....	.....	5	.....	.....	1	.....	.....	1	25	5.5
Printing and publishing.....	2.7	5	2	.....	1	.....	1	.....	1	1	1	12	2.6
Clay and glass products.....	1.2	5	.....	.....	.....	3	.....	.....	.....	.....	.....	8	1.8
Corks and seals.....	3.9	15	12	10	.....	2	1	4	.....	2	1	49	10.7
Straw hats.....	2.9	2	.....	.....	.....	.....	3	.....	.....	.....	.....	5	1.1
Brooms and brushes.....	1.9	6	1	3	4	2	.....	.....	.....	.....	.....	15	3.3
Buttons.....	1.3	4	1	.....	1	3	.....	1	.....	1	.....	11	2.4
Miscellaneous manufactures.....	4.1	11	3	5	4	1	2	3	1	2	1	26	7.9
Department and retail stores.....	18.8	31	.....	.....	.....	.....	1	1	3	1	1	39	8.5
Telegraph messengers.....	1.6	8	.....	.....	.....	.....	.....	.....	10	.....	.....	18	3.9
Laundries.....	.1	1	.....	.....	.....	2	.....	.....	.....	.....	.....	3	.7
Bowling alleys.....	.0	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1	.2
												457	

The number of children who left jobs in specified industries because of dissatisfaction over hours—excessive demands of industry—wages.

Industry abandoned.	Hours.	Excessive physical demands of job.	Wages.	Total.
Clothing, men's.....	10	64	149	223
Cotton goods.....	.....	45	13	58
Confectionery.....	.....	29	28	60
Tin and enamel.....	.....	52	21	73
Miscellaneous metals.....	.....	13	12	25
Paper boxes.....	.....	.....	7	7
Miscellaneous paper goods.....	.....	.....	9	9
Printing and publishing.....	4	12	9	25
Glass.....	.....	8	7	15
Leather goods.....	.....	49	8	58
Corks and seals.....	.....	.....	9	9
Straw hats.....	2	5	11	18
Brooms and brushes.....	.....	.....	7	7
Artificial flowers and feathers.....	.....	.....	6	6
Umbrellas.....	.....	.....	6	6
Miscellaneous manufactures.....	19	120	49	188
Department and other retail stores.....	60	39	87	136
Offices.....	.....	.....	12	12
Telegraph messengers.....	6	18	23	47
Personal services.....	.....	4	3	7
Total.....	105	457	476	1,038

¹ Includes drugs and chemicals, miscellaneous food products, canning and preserving, wood products, rubber goods, hair goods, cigars, toys, and buildings trades' occupations, buttons, brooms and brushes.

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The number of children receiving subsequent permits who left specified industries because of dissatisfaction over wages.

Industry abandoned.	Number of children changing place of employment but remaining in same industry.	Number of children going into a new industry.	Total. ¹
Clothing, men's.....	82	67	149
Cotton goods.....	5	8	13
Confectionery.....	3	25	28
Tin and enamel.....	10	11	21
Miscellaneous metals.....	3	9	12
Paper boxes.....	0	7	7
Miscellaneous paper goods.....	0	9	9
Printing and publishing.....	0	9	9
Glass.....	0	7	7
Leather goods.....	1	7	8
Corks and seals.....	2	7	9
Straw hats.....	0	11	11
Brooms and brushes.....	0	7	7
Artificial flowers and feathers.....	0	6	6
Umbrellas.....	0	6	6
Miscellaneous manufactures.....	0	49	49
Department and other retail stores.....	31	56	87
Offices.....	5	7	12
Telegraph messengers.....	7	16	23
Personal services.....	1	2	3
Total.....	150	328	478

¹ See Table XV for number of children originally going into these industries.

² Includes drugs and chemicals, miscellaneous food products, canning and preserving wood products, rubber goods, hair goods, cigars, toys, and building trades' occupations.

Table showing reasons for leaving jobs which show hardships imposed on working children, 1913.

Specific hardship.	Number complaining of hardship.	Specific hardship.	Number complaining of hardship.
Work too hard or too heavy.....	211	Occupation too hazardous.....	17
Hard on limbs.....	58	Too much walking required.....	15
Work too dusty.....	29	Too noisy, smoky or dirty.....	14
Uncomforting odors.....	27	Hard on eyes.....	11
Work too hot or too hurried.....	26		
Too much standing required.....	19	Total.....	457

Table showing number of children leaving specified industry because of hardship imposed on child.

Industry.	Total number of children leaving industry because of its hardship.	Industry.	Total number of children leaving industry because of its hardship.
Clothing, men's.....	64	Corks and seals.....	49
Cotton goods.....	45	Straw hats.....	5
Confectionery.....	28	Brooms and brushes.....	15
Canning and preserving.....	8	Buttons.....	11
Drugs and chemicals.....	7	Miscellaneous manufactures.....	36
Tin and enamel ware.....	52	Department and retail stores.....	29
Miscellaneous metals.....	13	Telegraph messengers.....	15
Wooden box.....	8	Laundries.....	3
Furniture.....	10	Bowling alleys.....	1
Miscellaneous lumber products.....	25		
Printing and publishing.....	12	Total.....	457
Clay and glass products.....	8		

MORTON EXHIBIT NO. 1.

NATIONAL METAL TRADES ASSOCIATION,
New York, May 23, 1914.

COMMISSION ON INDUSTRIAL RELATIONS,
Municipal Building, New York City.

GENTLEMEN: At the request of Mr. M. J. Dower we send you herewith copies of the forms used by us in the operation of the employment bureau of the National Metal Trades Association, under the supervision of the New York and New Jersey branch.

During my examination I stated to the examiner that the association did not maintain a branch office at Milwaukee. It does, however, maintain what is known as a "district," in which Milwaukee is the center, and this district is supervised by a district committee composed of manufacturers in and about Milwaukee who are members of the association.

The district committee does not maintain an employment bureau. Undoubtedly members of the Milwaukee district are identified with the Employers' Association of Milwaukee and use the bureau operated by that association.

This statement confirms the statement I made at my examination and explains the reference to Milwaukee appearing on this letter head.

Yours, very truly,

C. E. MORTON,
Manager Employment Bureau.

(The forms referred to were submitted and are on file with the committee.)

MARCH EXHIBIT.

NEW YORK, May 27, 1914.

To the CHAIRMAN CONGRESSIONAL COMMITTEE ON LABOR,
New York.

MY DEAR CHAIRMAN: Inclosed herewith please find price list as you asked me when before your committee at city hall.

Yours, truly,

JAMES E. MARCH.

List of selling prices of goods.

[Provisions are purchased from C. F. Matilage & Sons, 335-337 Greenwich Street, New York, and prices are subject to slight change according to market.]

Bacon, 22 and 24 cents a pound.	Paste (very best, \$1.76 a box, or 8 cents a pound.
Corned beef, 21 cents a can.	Coffee, 30 cents a pound.
Roast beef, 21 cents a can.	Tea, 35 cents a pound.
Lard, 15 and 16 cents a pound.	Tobacco, 5 cents a package.
Tomatoes, 10 and 11 cents a can.	Socks, 12 cents a pair.
Beans, 7 and 8 cents a pound.	Red all-wool underwear, A1 quality, \$1.50 a pair.
Peas, 7 and 8 cents a pound.	Red all-wool undershirts, A1 quality, \$1.50 each.
Condensed milk, 12 and 13 cents a can.	Heavy flannel overshirts, 75 cents each.
Codfish (Italian), 12 cents a pound.	Light flannel overshirts, 65 cents each.
Pork and beans, 13 and 14 cents a can.	Pants, \$1.50 a pair.
Salmon, 14 and 15 cents a can.	Overalls with bibs (very best), 80 cents each.
Sugar, 6 cents a pound.	Overalls without bibs (very best), 75 cents each.
Shoulders, 17 cents a pound.	Jumpers (very best), 75 cents each.
Rice, 8 and 9 cents a pound.	Rubber boots, \$3.75 a pair.
Canned peas, 15 cents a can.	Double blankets, \$1.75 each.
Soap (large piece), 4 cents a piece.	Black shoes with nails, \$1.75 a pair.
Sardines in oil, 6 cents a can.	Black shoes without nails, \$2.25 a pair.
Smoked bloaters, 3 cents each.	Yellow shoes without nails, \$2.40 a pair.
Bologne, 24 and 25 cents a pound.	
Cheese (Italian Imported), 37 and 39 cents a pound.	
Mustard sardines, 11 cents a can.	
Bread (2-pound loaf), 9 cents a loaf.	
Macaroni (very best), \$1.76 a box, or 8 cents a pound.	

HOMANS'S EXHIBIT.

HYDE PARK, MASS., October 19, 1914.

Mr. LEWIS K. BROWN, *Chicago, Ill.*

MY DEAR SIR: In my testimony given May 20, in New York, I offered to explain verbally a plan which I believed could be worked out for the benefit of the unemployed. I then stated doubts of being able to put it satisfactorily (to myself at least) on paper. However, at your request, I will do the best I can, but permit me to state that for the past 30 years—I have now retired—my time has been spent in conducting a successful employment office for high-grade help, bookkeepers, stenographers, salesmen, etc., and I have not devoted much time or thought to the broad question of mechanical, unskilled, or common labor. After all there is not much difference between an unemployed bookkeeper and a longshoreman, both desire work and the question is how to procure it.

During the past 30 years I have seen a great many unsuccessful attempts to solve this question. Each one conducted by a body of generous philanthropists and along, what to me seemed, impractical lines, nevertheless I believe there is a practical solution. There are but three questions to be considered: First, how to create labor; second, how to educate the unskilled to become skilled workmen; and third, how to reach these results at a minimum expense. One point is certain and beyond dispute: increasing employment offices, either private or public, does not reduce the number of unemployed except by the number employed in those offices. They simply aid in filling the vacant places which of a necessity would be filled—they do not create work.

Transporting Maine lumbermen to California to harvest wheat during the rush season is not practical. The cost would be much more than the value of the wheat they might gather. Furthermore, they must be returned or left in a country they are unused to and unfitted to serve in. At the present moment there are hundreds of barrels of ungathered apples here in Massachusetts, because of unavailable persons to gather them, yet there are hundreds of unemployed right here who could be utilized if properly directed. Doubtless this condition exists in the wheat States during the harvest time. If each State was properly organized to handle such conditions it could take care of the whole situation within its own borders. There is enough produce wasted in the United States that could be saved to pay a living wage to every unemployed person.

More men are kept idle because of unnecessary strikes than from any other one cause, and good men kept from filling their places because of the unions. This condition could and should be avoided to the benefit, not injury, of the unions. Unscrupulous union leaders, who are fast gaining the ascendancy, and stubborn, self-willed managers of corporations (handling other people's money) could and should be controlled. Enough money is lost by avoidable strikes to pay a minimum wage to all the unemployed in the country. While I know this could all be prevented, I will not now attempt any suggestion on that subject.

It is a fact that in all years during prosperous as well as hard times there are 10 applicants for every position. What will you do with this surplus? To create work is the only solution.

The resources in every State in the Union for supplying work are too great to itemize. Each State has its own peculiar needs. To illustrate by one out of many suggestions, there are hundred of acres of unimproved land in Massachusetts that are taxed from \$10 to \$25 per acre. If good roads were constructed, which are needed and wanted, these acres would become valuable for building and other purposes and the taxes raised sufficiently to reimburse the city, town, and State for the expense involved. Each State could absorb all its unemployed by opening up various lines of work and then offer employment to all at a minimum wage; if refused, they are not longer subjects for public consideration. My point is, when a community provides suitable work for its citizens, and the fact becomes known, then if there are any idlers it is their fault, and the public is relieved from all further responsibility. Each State industry as started could be made self-supporting if kept out of politics. One of the most perplexing questions is that of unskilled labor. There are several ways to overcome this difficulty, the simplest and cheapest being for every State, city, or town to control its own work instead of letting it out in its entirety to contractors. Thereby it could, to illustrate, put 10 skilled and 10 unskilled carpenters on a job, one at the regular and the other at half pay. The skilled man should, so far as reasonable, instruct the unskilled man in the work; in time this would reduce the number of unskilled workmen.

To carry out this plan of creating work, each State should establish a fund and the Government place to the credit of each State an equal amount to draw from if needed.

My thought would be to set these plans in motion and have them develop as the occasion requires.

The greatest evil in private employment offices is collecting advance fees. Abolish this system, and you drive the crooks out of business. An honest employment office is of great value to both employer and employee.

Sincerely, yours,

FRANK B. HOMANS.

JONES EXHIBIT.

[The Baltimore & Ohio Railroad System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

BUREAU OF EMPLOYMENT AND DISCIPLINE,

Baltimore, Md., June 9, 1914.

MR. FRANK P. WALSH,

Chairman U. S. Commission on Industrial Relations,

Washington, D. C.

DEAR SIR: Pursuant to the request of the commission when the writer appeared before same at the hearing held at New York May 13, that I write the commission my views and suggestions covering the tentative proposals for operating a Federal bureau of labor exchanges, in connection with the Department of Labor, I respectfully submit the following:

The tentative proposition shows a comprehensive handling, the result of deep investigation and careful study, and covers the subject very thoroughly; but, being tentative, it will of course only prove its efficiency by actual trial.

The plan of establishing a bureau under Federal jurisdiction must appeal to all as a move toward overcoming to a great extent the difficulty of those seeking employment. Such a plan will enable—

(1) *Interstate control.*—Being interstate, it would control Federal, State, or unincorporated business between States, regulate operation and penalize abuses.

(2) *Child labor.*—The various State laws could be formulated into a Federal code, making a uniform basis for the handling of this very important matter.

(3) *Improved opportunities for dissemination of information.*—Such a bureau being general over such a great territory, each branch working in conjunction, must result in a vast improvement over the present condition, where each agency or territory works under different systems and according to different ideas.

Organization.—The name of the bureau should be very short and to the point, similar to "U. S. Mail." Such a short name in a short time would become a general slogan and would be easily interpreted by aliens as well as Americans.

Advisory council.—My idea is that this council should be strictly advisory and have no dictating power. It would appear that if the personnel of the active staff was efficient, and advisory council with authority to dictate policy or outline plans, and especially in selecting subordinates, would cause more or less friction and retard the proper administration to the bureau.

Civil-service appointment.—It is noted that civil-service appointments are to prevail, which, of course, is the best plan, with a few exceptions, a qualifying exception being made of the director, who, however, it is recommended should be selected on merit and not restricted to a competitive written examination. Would it not be better to apply this exception to all assistant directors and executive heads? I am of the opinion that a most competent executive would in some instances fall short in a competitive written examination.

Duties, power, and authority of the bureau.—Such a bureau should have a splendid opportunity to gather and distribute information now being handled by Division of Information, Bureau of Immigration, Department of Labor, such as land and crop conditions; improved and unimproved real estate; manufacturing interests, analysis of output, comparative rates of pay for various classes of labor, etc. This would allow investigation into working and living conditions at outlying camps, and such personal investigation permitting reports, first hand, would give opportunity to criticize unfit conditions and regulate them.

Clearing house.—Presume it is the idea to have proposed clearing houses to embrace zones. It would be impracticable to ship unskilled men hundreds of

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miles, especially when necessary to incur transportation expenses; hence the employing zone covered by a particular clearing house would make it more practicable, due to reduced expenses in getting men to the job.

Contracts to be filled.—Employment agencies using printed contracts; the Federal bureau should stipulate the wording of such a contract and have it standardized and insist on its universal use, as provided in article 6, clause 3, of the pamphlet.

(4) *Proposed regulations for private employment office.*—While it is strictly against the desire to injure or handicap private agencies who comply with the law and do not permit abuses, still it would appear to be the proper thing to encourage the absorption of State or municipal agencies, and State legislation to that end should be encouraged.

General.—There is no doubt but that such a bureau would greatly enhance the employment of unskilled labor. It would relieve the charitable features; men would not have that feeling of dependence that is now complained of when they apply to philanthropic or free bureaus, and in many cases they can not apply to an agency demanding fees on account of lack of funds. I think, however, some difficulty will be experienced in placing the skilled mechanic, it being the writers experience that it is very difficult to develop the ability of an applicant for a skilled job, the applicant very often having a talking knowledge of the job but can not perform the service, thus misleading the questioner. However, a Federal bureau would be in a better position to bring together the employee and the employer to the probable satisfaction of both.

Yours, very respectfully,

E. J. JONES, Chief of Bureau.

DESCRIPTION COVERING ESTABLISHMENT AND OPERATION EMPLOYMENT AND LABOR BUREAUS, BALTIMORE & OHIO SYSTEM.

[Baltimore, Md., May 16, 1914. E. J. Jones, Chief of Bureau.]

BUREAU OF EMPLOYMENT.

Establishment.—During the latter part of the year 1905 the relief department of the Baltimore & Ohio Railroad secured a full employment record covering each employee in the service at that time on the Staten Island lines, the Baltimore & Ohio Railroad, the Baltimore & Ohio Southwestern. (At that time the C. H. & D. was not a part of B. & O. system.) All available data was secured at divisional or department headquarters, but in very many cases the information was not complete, necessitating a personal interview with many employees to secure from them personal information covering the date of employment, changes in occupation, rates of pay, etc. After the information was gathered it was spread on forms hereinafter explained and sent to the central office at Baltimore, where each record was recorded on a card and this card placed in a permanent file alphabetically indexed to itself, and all subsequent changes reported from time to time were added to these cards. The cards are constantly in use in the department bureau. We have, at this time, 321,404 cards on file, and they are divided as follows:

	Cards.
Active (men in the service).....	72,404
Inactive (men out of service).....	248,087
Pensioners.....	883
Total.....	321,374

On November 1, 1912, an employment bureau was established and the records, as above, together with forces that maintained same were transferred from the relief department to the employment bureau, after which date the employment bureau maintained the record in practically the same manner as did the relief department.

Previous to the establishment of the employment bureau, each division handled the applications in his own department, but upon establishment of the employment bureau all applications for skilled laborer (including brakemen and firemen) were referred by the division officials to the employment bureau for investigation and action resultant upon the investigation. The manner of handling applications and purpose of the employment bureau is explained in circular of November 1, 1912, issued upon establishment of the bureau, as shown on page 2 of this binder.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

ESTABLISHMENT OF EMPLOYMENT BUREAU—GENERAL INSTRUCTIONS.

OFFICE OF THIRD VICE PRESIDENT,
Baltimore, Md., November 1, 1912.

To all officers and heads of departments:

The following instructions, effective November 1, 1912, will be observed in connection with the employment, promotion, transfer, or termination of service of all employees in the operating department, except unskilled labor.

All persons, except unskilled laborers, entering the employ of the above companies will fill out form 726-Rev. When the applicant has been previously employed in railroad or other service, form 727-Rev. will be filled out, using a separate form for each former employer. When special qualifications are necessary, form 726-B will be used in connection with form 726-Rev.

Above forms are to be forwarded at once to the employment bureau by the employing officer.

Any officer receiving applicants for work for whom they have no place, should have blanks properly filled out and refer to the employment bureau, as such men may be needed elsewhere. In cases where application is made in person, the officer with whom it is filed will note on the application blank his opinion as to the qualification of the applicant for the character of work he seeks.

Employment will be conditional upon applicants passing satisfactory examinations and furnishing satisfactory references. Pending receipt of reports from the employment bureau, service shall be considered as only temporary. If application is rejected, the employment will be terminated as soon as possible after advice from the employment bureau and the termination reported to the bureau.

Minors will not be employed in train service or other hazardous work, and only for such other positions in accordance with whatever laws may be in effect, and if under 16 years of age written assent of parents or guardians must be secured.

Form 727-O Rev. will be used for reporting transfers between departments or divisions, changes in occupation, rates of pay, leaving the service, or deaths, reason being shown for leaving the service.

To avoid duplication of records the employment bureau will also maintain the service records now being kept in connection with the pension feature in the relief department. The service records of all employees, and reports heretofore forwarded on forms 727-N, 727-O, and 727-P, will hereafter be sent to the employment bureau direct.

Form 723-M will be used in reporting to the employment bureau results of examinations or reexaminations of employees who are subject to such examinations.

When employees, other than those in train service, in connection with which the information will be handled by the discipline bureau, are censured, information as to the circumstances in the case and the discipline administered must be forwarded to the bureau for record. This same action must be taken in connection with employees who are commended for meritorious service.

Certificates showing the character and length of service of former and present employees will be issued only by the employment bureau. Such information will only be furnished upon execution of form 726-C by the employee.

It is the policy of the company, so far as practicable, to fill vacancies by promotion of those in the service. It is expected that the employment bureau will assist in this direction.

A. W. THOMPSON,
Third Vice President.

During the year 1913 there were sent to the employment bureau 13,430 applications covering skilled laborers. Of this number there were:

	Per cent.
Approved	54
Rejected	8
Left pending investigation	20
Still pending investigation at end of year	18

1392 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Labor bureau.—In August, 1912, the maintenance of way department established a free labor bureau with the main office, located in the down-town district at Baltimore, where it was accessible to men seeking employment.

Very shortly after the establishment of the main office at Baltimore there were branch offices established at Philadelphia, Pittsburgh, and Cincinnati. Also, contracts were made with labor agencies at New York, Cleveland, and Chicago to furnish suitable men upon request of the head labor agent at Baltimore.

Shortly after the establishment of this labor bureau, which was to secure men for the maintenance of way department, the services of the labor bureau was extended to include laborers for other branches of the service, including the transportation and motive-power departments, and while a large percentage of the laborers employed were classed as unskilled, still the labor bureau employed quite a number of skilled mechanics.

In August, 1913, the labor bureau was removed from the jurisdiction of the maintenance of way department to that of the employment bureau, after which time the bureaus were worked jointly. As an exhibit of what this bureau has accomplished during the year 1913, we inclose herewith sheet No. 4, showing a total of 25,077 men employed at the various employment labor agencies and sent out along the line of road. A division official wishing men, that could not be secured on his own territory, will send his order to the nearest labor agent with a copy to the head labor agent at Baltimore. If the labor agent receiving this order is not able to fill same, he so advises the head labor agent, who makes an effort to furnish the requirements from other points where labor might be available.

ORGANIZATION.

Employment bureau.

Force consists of:	Men.
Chief of bureau.....	1
Maintaining employment record.....	8
Checking applications against records in office, investigating same.....	3
Total.....	12

Labor bureaus.

Baltimore agency:	Men.
Head labor agent.....	1
Assistant.....	1
Chief clerk.....	1
Philadelphia agency, labor agent.....	1
Pittsburgh agency, labor agent.....	1
Cincinnati agency, labor agent.....	1
Total.....	6
Cleveland: Contract with outside labor agency.	
Chicago: Contract with outside labor agency.	

REQUIREMENTS OF EMPLOYEES ENTERING THE SERVICE.

At the time that the regular application is filed by an applicant and before he enters the service, he must pass a medical examination. This examination is made by the relief department, and embraces sick, accident, and death benefits. The examination is very complete, and if the applicant is to enter train service it includes examination on sight, hearing, and color senses. Form used for this examination is shown in Exhibit No. 12.

Applicants for train service must also pass a preliminary examination on train rules, and he must satisfy the employing official that he is proficient to carry out the duties of the position for which he was engaged.

After an applicant passes the examination satisfactorily, his application is sent to the employment bureau for investigation (his service being considered only temporary pending the approval of the application from the employment bureau).

As soon as the employee is able to take a thorough examination on train rules, he must pass either an oral or written examination, as he may elect, on regular prescribed form, sample of which is included in this pamphlet. (Exhibit No. 13.)

Promotions from firemen to engineman and from brakemen to conductors: These examinations are made by the superior in the department in which the man is employed, and after he has successfully passed this examination, in addition to the ones mentioned in the foregoing, he is given a certificate of promotion, a copy of which is sent to the employment bureau for record. (Copy of this certificate is shown in Exhibit No. 14.)

Where a minor is employed in a hazardous position, it is necessary for him to have a minor's release executed by his parents or guardian, which releases the employer from any liability to damage, etc. (Copy of this form is shown as Exhibit No. 15.)

1394 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

EXHIBIT No. 1.—FORM 737N.

This form was used by the employing officials in preparing all past records up to and including the time it was taken, and includes all employees in the service at that time. It shows the date of entering the service and all subsequent changes either in rates of pay, transfers, leaving the service, reentering the service, etc.

After the information was tabulated on these forms they were sent to the central office at Baltimore, and this information was the foundation for establishing the permanent card record; it being transcribed to the permanent card index record described in Exhibit No. 2.

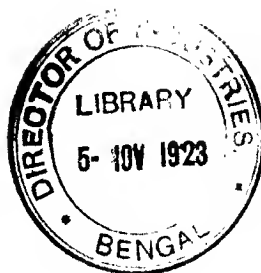
EXHIBIT No. 1.

The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., The Baltimore & Ohio Southwestern R. R. Co., The Cincinnati, Hamilton & Dayton Railway Co., The Staten Island Lines]

Record of employees to date division 191...

Name.	R. D. certifi- cate No.	Date of birth.	Date first entered service.	Occupation.	Station, depart- ment, division.	Wages— Month, day, trip, or hour.	Subsequent changes.					Wages— Month, day, trip, or hour, changed.
							Date pro- moted.	Date left service.	Date re- entered service.	Occupation changed.	Sta., dept., div., changed.	
Smith, John.....	68569	2-21-67	4-21-87	Frt. brakeman....	Rsdle, CT, B.....	39.00 mo.	1-1-91			Frt. brakeman	Rsdle, CT, B.....	42.90 mo.
							1-1-92			"	"	46.80
							1-1-93			"	"	48.80
							1-1-94			"	"	51.48
							4-1-92			"	"	57.72 "
							2-1-93			"	"	63.70 "
							8-1-93			Frt. conductor	"	75.40 "
							3-1-97			"	"	86.80
							4-1-10			"	"	125.00 "
							6-1-10			Pass. "	"	4.20 da.
Jones, John.....	85659	7-15-72	3-1-89	Apprentice.....	Mt. Clare, MP, B..	18.20 mo.	3-1-91			Apprentice...	Mt. Clare, MT, B.	20.00 mo.
							3-1-92			"	"	23.40 "
							3-1-93			"	"	26.40 "
							3-1-97			Mechanist....	"	38.40 "
							1-1-93			"	"	58.50 "
							9-1-93			"	"	65.00 "
							9-1-95			"	"	71.50 "
							9-1-97			"	"	78.00 "
							Res 4-3-09.		12-16-09	"	"	3.00 da.
							4-1-10			"	"	318 br.
							10-18-12			"	"	32 "
							4-1-13			"	"	53 "

Green, John.....	5075	8-1-47	8-7-63	Trackman.....	Mt. Alfy, MotV, B	33 40 mo.	5-1-71	10-27-81	12-12-82	Freeman.....	Pln. 4, MotV, B...	42 90 mo.
							4-1-83	5-1-86	8-25-89	Trackman.....	Mt. Alfy, "	27 30 "
							5-1-07			Freeman.....	C. Bay	45 00 "
							4-1-10			"	Rside	60 00 "
										"	"	60 00 "
										"	"	72 10 "



1896 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

EXHIBITS Nos. 2A, 2B, AND 2C—FORM 727Q.

This is the permanent card-employment record. It is filed in alphabetical order and is an index to itself.

All advice received from the employing officials is transferred to this card, such as changes in occupations, rates of pay, promotions, demotions, leaving and reentering the service, etc. This information is furnished from time to time by the various departments or divisions.

These cards are divided into an active and an inactive file. The active file embraces men now in the service, while the inactive file represents those who have left the service and have not reentered.

When an employee for any reason leaves, the date of his termination and other information is noted on the card and the card is taken from the active and placed in the inactive file.

These cards are constantly referred to in order to secure the record of employees, the forms from which the information has been transcribed having been filed away.

EXHIBIT No. 2A.

Name, Smith, John. Employed as frt. brakeman. Division, Baltimore. Born, date 2-22-1867. Entitled to retirement, 1932. R. D. certificate No. 68569.

Date.	Employment and changes in occupation.	Sta, dept, div.	Examined by— Mechanical....M Air A Transportation.T	Rates of pay.	Left service— cause.	Memo. and File No.
4-21-87.....	Frt. brakeman..	R'side CT B.....	.....	\$39.00	.....	.....
1-1-91.....	"	"	.....	42.90	.....	.....
1-1-92.....	"	"	.....	46.80	.....	.....
2-1-93.....	"	"	.....	42.92	.....	.....
11-1-99.....	"	"	.....	51.48	.....	.....
4-1-02.....	"	"	.....	57.72	.....	.....
2-1-03.....	"	"	.....	63.70	.....	.....
8-1-03.....	Frt. conductor..	"	.....	75.40	.....	.....
3-1-07.....	"	"	.....	80.60	.....	.....
5-1-07.....	"	"	.....	120.00	.....	.....
4-1-10.....	"	"	.....	125.00	.....	.....
6-1-10.....	Pass. conductor.	"	.....	4.20	.....	.....

[Reverse side of card]

Subsequent record.

Date.	Employment and changes in occupation.	Sta, dept., div.	Examined by— Mechanical....M Air A Transportation.T	Rates of pay	Left service— cause.	Memo and File No.
10-1-13....	Pass condr.....	R'side VT B.....	.....	\$1.50 da	.....	.....
.....
.....
.....

EMPLOYMENT OFFICES AND UNEMPLOYMENT.

1397

EXHIBIT No. 2a.

Name, Green, John. Employed as trackman. Division, Balto. Born, date, 8-1-1847. Entitled to retirement, 1912. R. D. certificate No. 5075.

Date	Employment and changes in occupation	Sta, dept, div	Examined by— Mechanical....M Air.....A Transportation, T	Rates of pay	Left service— cause	Memo and File No
8-7-65.....	Trackman....	Mt Airy MofW B.	.....	\$36 40	.....	.....
5-1-71.....	Foreman....	Plane#4 " "	.....	42 90	.....	.....
10-27 81	.....	.....	.....	.....	Unknown	.....
12-12-82....	Trackman....	Mt Airy " "	.....	27 30	.....	.....
4-1-83.....	Foreman....	Curtis Bay " "	.....	45.00	.....	.....
5-1-86.....	.....	.....	.....	.....	Unknown	.....
8-26 89.....	" " " "	R Side " " "	.....	60 00	.....	.....
5 1 07.....	" " " "	" " " "	.....	68 00	.....	.....
4 1 10.....	" " " "	" " " "	.....	72 10	.....	.....
6 15 13.....	" " " "	" " " "	.....	77 00	.....	.....

EXHIBIT No. 2c.

Name, Jones, John. Employed as apprentice. Division, Baltimore. Born, date, 7-15-1872. Entitled to retirement, R. D. certificate No. 85659

Date	Employment and changes in occupation.	Sta, dept, div.	Examined by— Mechanical....M Air.....A Transportation, T	Rates of pay.	Left service— cause.	Memo. and File No.
3 1 89 ..	Apprentice ..	Mt. Clare MP B..	.....	\$18 20	.....	.....
3-1-90 ..	"	"	.....	20 80	.....	.....
3-1-91 ..	"	"	.....	23 10	.....	.....
3-1-92 ..	"	"	.....	26 00	.....	.....
3-1 93.....	Machinist.....	"	.....	39 10	.....	.....
1-1-97.....	"	"	.....	58 50	.....	.....
1-1-03.....	"	"	.....	65 00	.....	.....
9 1 05.....	"	"	.....	71 50	.....	.....
9 1 07.....	"	"	.....	78 00	.....	.....
4 3 09.....	.....	.....	.....	.....	Resigned	.....
12 16-09....	Machinist.....	Mt. Clare MP B..	.....	1 00 da	.....	.....
4-1-10.....	"	"	.....	.318 hr.	.....	.....

[Reverse side of card]

Subsequent record.

Date.	Employment and changes in occupation.	Sta, dept, div.	Examined by— Mechanical....M Air.....A Transportation T	Rates of pay.	Left service— cause.	Memo and file No.
10-18-12. .	Machinist....	Mt. Clare MP B....	.....	.32 hr.	.....	.....
4-1-13.....	"	"	.....	.33 hr.	.....	.....
1-16-14.....	.....	.....	.....	.34 hr.	.....	.....
.....
.....
.....

EXHIBIT NO. 3.—FORM 727P.

This is another form received from the employing official, and contains information that is to be embraced on the card record previously checked with the card in the bureau, which is taken from the inactive file, and when the date of last entering the service is added to the information already on the card it is placed in the active file.

EXHIBIT NO. 3.

The Baltimore and Ohio Railroad Company, division. Statement of persons who have entered the service during the month of 191...

Date.	Name.	Date of birth.	Station, department, division.	Occupation.	Rate of pay, day, month, or hour.	R. D. card number.	Occupation.	Date		Location.	Monthly wages.
								From—	To—		
9-2-10	Doe, John.....	8-26-68	Chill., Ct., O.....	Fireman.....	141.00 mo.	506890	Fireman.....	1-1-90	3-1-91	Chill., Ct., O.....	12.50 mo.
				"			"	3-1-91	4-30-91	"	82.00 "
				Engineer.....			Engineer.....	4-30-91	10-30-91	"	90.00 "
				"			"	10-30-91	5-1-93	"	123.00 "
				"			"	5-1-93	2-1-97	"	126.00 "
				"			"	2-1-97	11-1-98	"	135.00 "
				"			"	11-1-98	12-1-98	"	135.00 "
				"			"	12-1-98	10-12-99	"	135.00 "
				"			"	10-12-99	1-1-00	"	135.00 "
				"			"	1-1-00	2-1-00	"	135.00 "
8-18-13	Rane, John.....	7-26-90	Chill., M. p., O.....	Laborer boy.....	94.50 mo.	506219	Laborer boy.....	2-1-00	3-1-00	Chill., M. p., O.....	18.20 mo.
				Laborer.....			Laborer.....	3-1-00	6-1-05	"	20.80 "
				Machinist appr.....			Machinist appr.....	6-1-05	3-1-07	"	19.50 "
				"			"	3-1-07	3-1-08	"	20.00 "
				"			"	3-1-08	3-1-09	"	20.00 "
				"			"	3-1-09	4-1-10	"	23.80 "
				Machinist.....			Machinist.....	4-1-10	5-2-10	"	58.70 "
				"			"	5-2-10	4-20-11	"	58.70 "
				"			"	4-20-11	3-1-12	"	58.70 "
				"			"	3-1-12	4-1-13	"	52.30 "
				"			"	4-1-13	7-1-13	"	64.90 "

Employed

Previous record if formerly employed.

[illegible]

EXHIBIT No. 4.—FORM 7-70.

This form is also prepared by the employing official, and reports all changes in occupations, rates of pay, transfers, with the date and cause for leaving the service.

In the event that a man has been reported out of the service on these forms, the card is taken from the active and placed in the inactive file after the necessary information has been noted on same.

EXHIBIT No. 4.

The Baltimore and Ohio Railroad Company employment bureau. division—Transfers and changes, occupation or rate of pay, and persons leaving service during month of 131...

Date.	Name.	R. D. certifi- cation number.	Transferred or occupation changed.			Former rate.	Present rate.	Cause and expla- nation for leav- ing service.	
(1)	(2)	(3)	Former occu'pation	Sta., dept., div.	Present occupation	Sta., dept., div.	(8) Month, day, year, or hour.	(9) Month, day, year, or hour.	(10)
10-1-13	Smith, John.	68509	Pace coach.	Bridge CT. B.	Taxi const.	Bridge CT. B.	4.20da	4.50da-	Died. Furloughed. Furloughed.
1-14-14	Doe, John.	84839	Machinist.	McClellan MP. B.	Machinist.	McClellan MP. B.	72.33hr.	34hr.	
6-15-13	Green, John.	5073	Foreman.	Rivie, M & W. B.	Foreman.	McClellan MP. B.	72.17mo	77.09mo	
1-1-13	Doe, John.	59890	Engineer.	Chilch. CT. O.		McClellan MP. B.	141.09mo		
12-11-13	Bare, John.	58219	Machinist.	Chilch. MP. O.		McClellan MP. B.	94.09mo		
1-1-14	Bode, John.	23543	Trackman.	McW. Mong.		McClellan MP. B.	1.68da.		

1400 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

EXHIBIT No. 5.—FORM 726-REV.

This is the standard form of application used for all classes of employees and shows previous railroad and other employment, with the dates employed by each employer. Note the back of this form calls for the names of living relatives who may share in liability covering claims made by the employee.

These applications are executed by the applicant, after which the department or division official forwards same, together with all supporting papers, to the employment bureau, where the application is investigated, and upon the investigation depends the rejection or approval.

As mentioned in another part of this pamphlet, an employee's service is considered temporary pending investigation and final action on the application.

EXHIBIT No. 5.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

EMPLOYMENT BUREAU—BALTIMORE DEPARTMENT OR DIVISION.

There are three ways to improve the character of the service:

1. Employ a better class of men.
2. Discharge the vicious and incompetent.
3. Educate those kept.

So far as possible men should be employed from those living along the line of the road. Their moral character, physical fitness, mental capacity, and past record should be rigidly examined.

Only the best should be employed.

APPLICATION FOR EMPLOYMENT.

BALTIMORE, May 15th, 1914.

To Mr. E. J. JONES,
Chief of Bureau, Baltimore, Md.

DEAR SIR: I hereby apply for a situation as brakeman or in such other service or employment as may be necessary or required from time to time by the company, or my superior officers, and, if accepted, agree to observe all the rules and regulations, to abstain from the use of intoxicating liquors, to conduct myself properly whether on or off duty, to perform my duties to the best of my ability. In the event of my leaving the service from any cause, I hereby authorize the company, and its officers, to answer any and all inquiries as to my conduct and qualifications while in such service and, so far as they may know, the cause of my leaving the same.

Name in full: John Doe. Date of birth: 3-17-83. Place of birth: Louisville, Ky. Married or single: Married. Name of wife: Mary. Present post-office address: Baltimore, Md.

See information to be furnished concerning relatives as shown on back hereof.

Previous railroad experience.

Railroad.	Division.	Location.	Capacity	From—	To—
Penna.....	Phila.....	Phila., Pa..	Brakeman..	Feb., 1907..	March, 1912.
B. & O.....	Balto.....	Balto., Md..	Brakeman..	May, 1910..	March, 1912.
Erie.....	Middle....	Youngs- town, O.	Brakeman..	March, 1912.	April, 1913.
C. B. & Q.....	Eastern..	Chicago, Ill.	Brakeman..	Feb., 1914..	May, 1914.

Employment, or location if not employed, for the past five years.

Employed by—	Division.	Address.	Capacity.	From—	To—
Imperial Laundry Co.	Cumberland, Md..	.....	Helper.....	Apr., 1913	Feb., 1914

Personal references.—H. L. Lawrence, No. 64 Superior Ave., McKeesport, Pa.; G. H. Brown, Room No. 62, Central Arcade Bldg., Pittsburgh, Pa.; L. B. Kidwell, Indiana Creek, Pa.

If previously employed by Baltimore & Ohio R. R., B. & O. S. W., C. L. & W., C. T. & V., O. & L. K., R. & M. C. V., Valley or Valley R. R. of Va., give Relief Certificate No. -----

Witness: H. B. NEWCOMER.

(Signed.) JOHN DOE.

[Back of blank.]

Show below information covering living relatives in the order shown: Parents, children, brothers, sisters, children of deceased brothers and sisters.

Relation.	Age.	Full name.	Address.
Father	62	Doe, Edw	65 East St., Louisville, Ky.
Mother	60	Doe, Mary	65 East St., Louisville, Ky.
Brother	31	Doe, Harry	Martinsburg, W. Va.

EXHIBIT No. 6.—FORM 726B.

This form is used in connection with Forms 726-Rev., application blanks, especially where an applicant has special training or qualifications—a higher education, is qualified as a civil engineer, has stenographic or telegraphic ability, a bookkeeper, etc.

EXHIBIT No. 6.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

EMPLOYMENT BUREAU.

Dated at Balto., May 15th, 1914.

Personal record of (full name) John Doe.

Home address (number, street, and city), No. 2100 East North Ave., Baltimore, Md.

Born (date), 3-17-83; (place), Louisville, Ky. Present weight, 161; height, 5' 11".

Received elementary schooling at (place), Louisville, Ky.; (years), 4 years.

Graduated or left school, university, or college (state which) left school; (date), January, 1907.

Do you understand trigonometry and the use of logarithms? No.

Stresses in beams and framed structures? No.

Are you a stenographer? No. Typewriter? Yes. Telegraph operator? No. Bookkeeper? Yes.

If you are at present employed, state where and in what capacity. The B. & O. R. R. Co.; Baltimore division; brakeman.

State if any positions held, wherein you gained experience of special value for railroad service.

What special educational courses taken? None.

What degree was or will be conferred?

References: H. L. Lawrence, No. 64 Superior Ave., McKeesport, Pa.; G. H. Brown, Room No. 62, Central Arcade Bldg., Pittsburgh, Pa.; L. B. Kidwell, Indiana Creek, Pa.

EXHIBITS NOS. 7A, 7B, 7C, AND 7D.—FORM 727-REV.

These forms accompany application blanks (Form 726-Rev.) and is a request for service record from a previous employer.

The bottom part of this request is executed by the applicant and is addressed to a previous employer authorizing him to furnish this company full service record, and, in addition to the request, it releases the previous employer from any liability for damage account of furnishing such record.

The previous employers addressed on these forms are the same as shown on application blank (Form 726-Rev.).

1402 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

EXHIBIT No. 7A.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

No.-----

EMPLOYMENT BUREAU.

BALTIMORE, Md., May 15, 1914.

The IMPERIAL LAUNDRY Co.,
Cumberland, Md.

DEAR SIR: Mr. John Doe makes application to this company for employment as brakeman. He states that he was in your employ from April, 1913, to February, 1914, as helper, under Mr. Stewart.

Will you kindly give me this man's record while in your service, and cause of leaving?

Any information furnished will be considered confidential.

Yours, truly,

(Signed) E. J. JONES,
Chief of Bureau.

(Applicants for position must fill out the following:)

I refer you to Mr. Stewart, (title) manager of the Imperial Laundry Co., located at Cumberland, Md., for my previous record, and I hereby authorize him to furnish the same, together with the reason or cause for leaving the service, if known, and all information which he may have concerning me, whether the same be of record or not. And I hereby release the company he represents from all liability for any damage whatsoever on account of furnishing such record.

Dated at Baltimore, May 15, 1914.

(Signed) JOHN DOE.

Witness: H. B. Newcomer.

(Separate form necessary for each employer.)

EXHIBIT No. 7B.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

No.-----

EMPLOYMENT BUREAU.

BALTIMORE, Md., May 15, 1914.

Mr. S. C. LONG,
General Manager, the Penna. Lines, Philadelphia, Pa.

DEAR SIR: Mr. John Doe makes application to this company for employment as brakeman. He states that he was in your employ from February, 1907, to March, 1910, as brakeman, at Philadelphia, Pa., under Mr. J. A. Adams, superintendent.

Will you kindly give me this man's record while in your service, and cause of leaving?

Any information furnished will be considered confidential.

Yours, truly,

(Signed) E. J. JONES,
Chief of Bureau.

(Applicants for position must fill out the following:)

I refer you to Mr. J. A. Adams, (title) superintendent of the Pennsylvania Railroad Co., located at Philadelphia, Pa., for my previous record, and I hereby authorize him to furnish the same, together with the reason or cause for leaving the service, if known, and all information which he may have concerning me, whether the same be of record or not. And I hereby release the company he represents from all liability for any damage whatsoever on account of furnishing such record.

Dated at Baltimore, May 15, 1914.

(Signed) JOHN DOE.

Witness: H. B. Newcomer.

(Separate form necessary for each employer.)

EXHIBIT No. 7C.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

No.-----

EMPLOYMENT BUREAU.

BALTIMORE, Md., May 15, 1914.

Mr. G. W. GOULD,
Superintendent Employment Bureau, the Erie Lines,
Scracy City, N. J.

DEAR SIR: Mr. John Doe makes application to this company for employment as brakeman. He states that he was in your employ from March, 1912, to April, 1913, as brakeman, at Youngstown, Ohio, under Mr. E. L. Rayhart, superintendent.

Will you kindly give me this man's record while in your service, and cause of leaving?

Any information furnished will be considered confidential.

Yours, truly,

(Signed) E. J. JONES,
Chief of Bureau.

(Applicants for position must fill out the following:)

I refer you to Mr. E. L. Rayhart, (title) superintendent of the Erie Railroad Co., located at Youngstown, Ohio, for my previous record, and I hereby authorize him to furnish the same, together with the reason or cause for leaving the service, if known, and all information which he may have concerning me, whether the same be of record or not. And I hereby release the company he represents from all liability for any damage whatsoever on account of furnishing such record.

Dated at Baltimore, May 15, 1914.

(Signed) JOHN DOE.

Witness: H. B. Newcomer.

(Separate form necessary for each employer.)

EXHIBIT No. 7D.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

No. -----

EMPLOYMENT BUREAU.

BALTIMORE, Md., May 15, 1914.

Mr. J. N. REDFERN,
Superintendent Employment Bureau, the C. B. & Q. R. R. Co.,
Chicago, Ill.

DEAR SIR: Mr. John Doe makes application to this company for employment as brakeman. He states that he was in your employ from February, 1914, to May, 1914, as brakeman at Chicago, Ill., under Mr. J. G. McKenna.

Will you kindly give me this man's record while in your service, and cause of leaving?

Any information furnished will be considered confidential.

Yours, truly,

(Signed) E. J. JONES, Chief of Bureau.

(Applicants for position must fill out the following:)

I refer you to Mr. J. G. McKenna, superintendent of the C. B. & Q. R. R. Co., located at Chicago, Ill., for my previous record, and I hereby authorize him to furnish the same, together with the reason or cause for leaving the service, if known, and all information which he may have concerning me, whether the same be of record or not. And I hereby release the company he represents from all liability for any damage whatsoever on account of furnishing such record.

Dated at Baltimore, May 15, 1914.

(Signed) JOHN DOE.

Witness: H. B. NEWCOMER.

(Separate form necessary for each employer.)

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EXHIBIT No. 8.—FORM 726t SPL.

This blank is used for securing personal reference as to an applicant's character, ability, etc., and is also used in connection with the regular application blank (Forms 726-Rev., and 726b).

Quite often an applicant has not been employed for a certain period and this blank is used in such a case to secure his character record during the period of idleness.

EXHIBIT No. 8.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

EMPLOYMENT BUREAU.

BALTIMORE, Md., May 15, 1914.

Mr. H. L. LAWRENCE,

No. 64 Superior Avenue, McKeesport, Pa.

DEAR SIR: Mr. John Doe has made application to this company for a position as brakeman and gives your name as reference to his character, ability, etc.

Will you kindly let me have the above information, using the inclosed stamped envelope for your reply, which will be treated confidentially?

Yours, very truly,

(Signed)

E. J. JONES, Chief of Bureau.

EXHIBIT No. 9.—FORM 726E SPL.

After the investigation of the application has been completed this form is used for approving or rejecting the application in accordance with the investigation that has been prosecuted since receipt of the application.

This blank is executed only in the employment bureau and is sent to the employing official showing that the application has been accepted or rejected.

The employing official shows on the detachable slip at the bottom of this form the date the man was employed, and, if rejected, the date he was relieved, together with the rate of pay. The slip is detached at the perforation and is returned to the employment bureau.

After this slip is received it is attached to the employment file and the employment record of the man noted on the application is started; providing, of course, it is his first employment with this company. If he had previously been employed by this company, the record card (Form 727Q) is taken from the inactive file, his record revived, and the card placed in the active file. If the applicant is rejected, the card is closed out and is placed in the inactive file for future reference.

EXHIBIT No. 9.

No. 1651.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

EMPLOYMENT BUREAU.

BALTIMORE, May 15, 1914.

To Mr. J. H. BLACKWELL,

Superintendent, Baltimore, Md.:

Application of John Doe for position as brakeman is approved.

Advise below date placed in service; or, if rejected, date relieved. If not placed in service, make notation to that effect. Detach accompanying receipt and forward to-----

Yours, truly,

Chief of Bureau.

EMPLOYMENT OFFICES AND UNEMPLOYMENT.

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BALTIMORE DIVISION.

No. 1654.

EMPLOYMENT BUREAU,
Baltimore, Md.:

Your advise approving application of _____
This man was employed _____ 191____, relieved _____ 191____, as (state
occupation) _____ Rate of pay (daily or hourly rate) _____
(Signed) _____
(Title) _____

(NOTE.—If not employed, make notation to that effect on this receipt.)

EXHIBIT No. 10.—FORM 727C.

This is a request made by a previous employee of this company to furnish a prospective employer with his service record.

The form not only authorizes us to furnish his record while he was in the employ of this company, together with the cause for leaving the service, but it also releases this company from any liability for damage that might occur on account of furnishing the information requested.

EXHIBIT No. 10.

NOTE.—Send to employment bureau, Baltimore & Ohio Railroad Co., Baltimore, Md.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

EMPLOYMENT BUREAU.

BALTIMORE, May 15, 1914.

(Here insert name of company or companies by which formerly employed:) The B. & O. R. R. Co.

I have made application to the Pennsylvania Railroad Co. for employment in the capacity of brakeman and desire to have that company fully advised of my record with former employers. I was in the service of your company from May, 1910, to March, 1912, on Baltimore division, and request you to forward to S. C. Long, general manager, Philadelphia, Pa., a transcript of your record containing all information bearing upon my service with your road and the cause of my leaving its employ.

I hereby release the B. & O. R. R. Co. and any other company forming a part of the Baltimore & Ohio Railroad System, and any officers thereof, from all liability for damage of whatever nature on account of furnishing the information which I herein request you to furnish.

(Signed) JOHN DOE.

Witness: H. E. Newcomer.

EXHIBIT No. 11.—FORM 727D.

This form is used for furnishing an employment record when requested by a previous employee. In many cases we send the ex-employee a form, 726C, to execute. This form authorizes us to furnish the record and releases the company from any liability on account of furnishing same.

When requests for records of previous employees are received from large corporations they forward us a similar request, embracing a release, which form has been executed by the ex-employee.

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EXHIBIT No. 11.

[The Baltimore & Ohio System; The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

EMPLOYMENT BUREAU.

BALTIMORE, Md., May 15, 1914.

To Mr. S. C. LONG,

General Manager the Pennsylvania Railroad Co., Philadelphia, Pa.:

The service record of John Doe, formerly employed by the Baltimore & Ohio Railroad Co., reads as follows:

May 1, 1910, brakeman, Baltimore division.

March 11, 1912, resigned.

Chief of Bureau.

EXHIBIT No. 12.—FORM RD 1.

As the title would indicate, this is an application for membership in the relief department of the Baltimore & Ohio Railroad.

With the exception of clerks, all men accepting employment are obliged to take this examination and join this department, which affords them sick, accident, and death benefits.

This application, after being properly executed by the medical examiner, is placed on file in the relief department, and the employing official is advised that the man has been accepted or rejected. If the latter, he is not permitted to enter the service; if he is accepted, he is later furnished with a certificate of membership, which contains the rules and regulations of the relief department.

EXHIBIT No. 12.

RECORD OF NAMES AND AGES OF PARENTS AND CHILDREN.

Father's name	Age	Address
Mother's name	Age	Address
Children's names	Ages	Addresses
-----	-----	-----
-----	-----	-----
-----	-----	-----

THE BALTIMORE & OHIO RAILROAD CO. RELIEF DEPARTMENT.

APPLICATION FOR FULL MEMBERSHIP IN THE RELIEF FEATURE.

To the SUPERINTENDENT OF THE RELIEF DEPARTMENT:

I, -----, of Baltimore, in the county of ----- and State of Maryland, employed in the service of the Baltimore & Ohio Railroad Company, as -----, in the ----- department, ----- division, do hereby, as one of the conditions of such employment, apply for membership in the relief feature, and consent and agree to be bound by all the regulations of the relief department now in force, and by any other regulations of said department hereafter adopted applicable to the relief feature; for which regulations now in force reference is hereby had to any copy of the last edition of the book of regulations of said department, issued by the superintendent.

I also agree that the said company, by its proper agents and in the manner provided in said regulations, shall apply monthly, in advance, from the first wages earned by me under said employment, in each calendar month, sums at the rate of ----- per month as a contribution to the relief feature of said department, for the purpose of securing the benefits provided by said regulations, for a member of class ----- to myself, or in the event of my death to -----

or to whomever I may hereafter from time to time designate in writing by way of substitution, with the written consent of the superintendent; or, if no such beneficiary be then living, to my next of kin (as determined by the laws of the State of Maryland), in accordance with regulation No. 18, subject to all the provisions and requirements of said regulations.

I expressly stipulate that my subsequent marriage shall ipso facto have the effect to substitute my wife in the place and stead of the beneficiary named above to receive said benefits in the event of my death, if she be then living.

I further agree that this application, when accepted by the superintendent, shall constitute a contract between myself and the said company, as a condition of my employment by the company, governed in its construction and effect by the laws of the State of Maryland, and as such be an irrevocable power and authority to said company to appropriate the above amounts from my wages and apply the same as aforesaid, and shall constitute an appropriation and assignment in advance to the said company, in trust for the purposes of the relief feature, of such portions of my wages, which assignment shall have precedence over any other assignment by me of my wages or of any claim upon them on account of liabilities incurred by me.

I further agree that in consideration of the contributions of said company to the relief department, and of the guarantee by it of the payments of the benefits aforesaid, the acceptance of benefits from the said relief department for injury or death shall operate as a release of all claims against said company or any company owning or operating its branches or divisions, or any company over whose railroad, right of way, or property the said The Baltimore & Ohio Railroad Co. shall have the right to run or operate its engines or cars or send its employees in the performance of their duty, for damages by reason of such injury or death, which could be made by or through me; and that the superintendent may require, as a condition precedent to the payment of such benefits, that all acts by him deemed appropriate or necessary to effect the full release and discharge of the said companies from all such claims, be done by those who might bring suit for damages by reason of such injury or death; and also, that the bringing of such a suit by me, my beneficiary or legal representative, or for the use of my beneficiary alone or with others, or the payment by any of the companies aforesaid of damages for such injury or death recovered in any suit or determined by compromise, or of any costs incurred therein, shall operate as a release in full to the relief department of all claims by reason of my membership therein.

I also agree, for myself and those claiming through me, to be specially bound by regulation No. 12c, providing for the final conclusive settlement of all disputes by reference to the superintendent of the relief department, and an appeal from his decision, either directly or through the advisory committee, to the operating committee in matters affecting the relief feature, or to the savings and pension committee in matters affecting the savings and pension feature.

I understand and agree that this application, when accepted by the superintendent, shall constitute a contract between me and the said company, by which my rights as a member of said relief feature and as an employee of said company shall be determined as to all matters within its scope; that each of the statements herein contained and each of my answers to the questions asked by the medical examiner, and hereto annexed, shall constitute a warranty by me, the truth whereof shall be a condition of payment of the benefits aforesaid.

I hereby certify that I am _____ years of age; am correct and temperate in my habits, and have no injury or disease, constitutional or other, which will tend to shorten my life; and am now in good health and able to earn a livelihood.

In witness whereof, I have signed these presents at Baltimore, in the State of Maryland, this _____ day of _____, 191__.

Witness: _____ [SEAL.]

I certify that the foregoing form has been read to the person whose mark I herewith witness.

The foregoing application is accepted at the office of the superintendent of the relief department, Baltimore, Maryland, this _____ day of _____, 191__.

Superintendent of Relief Department.

QUESTIONS TO BE ASKED THE APPLICANT BY THE MEDICAL EXAMINER.

1. Were you ever employed by either the Baltimore & Ohio, Baltimore & Ohio Southwestern, Pittsburgh & Western, Pittsburgh Junction, Cleveland Terminal & Valley, or Baltimore & Ohio Chicago Terminal Railroad Co.'s? _____ Yes. No.
If so, give division _____ department _____ and occupation _____

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2. Are you now in good health and without infirmity or weakness? Yes. No.
3. Have you been rejected by any life insurance company or beneficial association? Yes. No.
If so, for what reason?-----
4. Have you ever been disabled through illness or accident? Yes. No.
If so, what was its nature?-----
5. Date of birth-----
6. Have you been vaccinated? Yes. No.
7. Were you ever married? Yes. No.
8. Give names and ages of children by present or previous marriage separately-----
If any of them are married, give their present names-----
9. Father alive, aged----- Father died, aged----- of-----
10. Mother alive, aged----- Mother died, aged----- of-----
11. Of brothers and sisters—how many dead above 14 years of age, at what age and of what disease? Original number----- No. dead----- Age at death----- Cause of death-----
12. If none of the above are living, state what other relatives, if any, are living, and give their addresses-----
13. Have any near relatives died of consumption or decline or been insane? Yes. No.
14. Have you at the present time a loan from the savings feature? Yes. No.

CERTIFICATE OF MEDICAL EXAMINER.

15. (a) Has the applicant ever had insanity, apoplexy, palsy, vertigo, sunstroke, congestion, inflammation, or any other disorder of the brain or nervous system? None, except-----
 - (b) Or asthma, consumption, spitting of blood, habitual cough and expectoration, palpitation, or any disease of the heart or lungs? None, except-----
 - (c) Or appendicitis, cancer, tumor, chronic diarrhoea, discharge from the ear, dropsy, fistula, gallstones, gravel, open sores, inflammatory rheumatism, gout, syphilis, stricture, disease of the liver, kidneys, or bladder, hernia, hemorrhoids, varicose veins, varicocele, swelling of ankles? None, except-----
 16. (a) Is the heart's action clear, regular, and normal in force? Yes. No.
 - (b) Is there freedom from murmur, with either sound, enlargement of heart, and disease of blood vessels? Yes. No.
 - (c) What is the pulse rate?----- (d) Is it regular? Yes. No.
 17. (a) Is the respiration full and uniform throughout each lung? Yes. No.
 - (b) Is there freedom from unusual sound throughout each lung? Yes. No.
 - (c) Is the percussion normal throughout each lung? Yes. No.
 - (d) Is there freedom from disease of the throat? Yes. No.
 18. Is the applicant free from syphilis, scabies, pediculosis, or other skin disease? Yes. No.
 19. Can he count fingers at arms' length with each eye separately? Yes. No.
 20. Is he temperate? Yes. No.
 21. Do you recommend this risk? Yes. No.
- Identification marks-----

I certify that I have made a careful examination of the person who signed the preceding application and that he is ----- in good health and ----- physically qualified to perform the duties of the position he seeks.

E. H. MATHERS, *Medical Examiner.*

Place and date, Baltimore.

Remarks-----

Employing official-----

Send certificate to-----

Rate of pay-----

Form 80 given?-----

Form 76L attached?-----

Yes. No.

Yes. No.

[On back of blank.]

(Filing:) No. ____ The Baltimore & Ohio R. R. Co. Relief department.
Application for full membership in the relief feature. Do not fill up these
blanks. Name _____, department _____, division _____

The execution of the within contract by my _____ is approved, and in
(Son or ward.)
consideration of his employment by the Baltimore & Ohio Railroad Company I
hereby ratify the same and consent for and on behalf of my _____ and
(Son or ward.)
myself to all the conditions thereof.

Witness: _____

NOTE FOR EXAMINERS.

The above form is to be filled up when application is made by a minor, and if the father is living is to be signed by him alone; if the father is dead, the mother must sign; and if she has married again, the stepfather, if living, must also sign. If both parents are dead, the signature of the guardian, if there be one, must be obtained. The signature must be witnessed in all cases; and the word father, mother, guardian, etc., as the case may be, must be added after the signature of the consenting party.

EXHIBIT No. 12A—MISCELLANEOUS CIRCULAR No. 1.

This is a circular issued by the third vice president dated January 1, 1911, and outlines rules and regulations for examining applicants and employees in vision, color sense, and hearing.

This circular outlines in full detail the requirements for examination specified above, and is self-explanatory.

EXHIBIT No. 12A.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., The Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

Operating department—Miscellaneous circular—Third vice president's No. 1—
Circular—Superintendent's No. ____—Miscellaneous.

RULES AND REGULATIONS FOR EXAMINATION OF APPLICANTS AND EMPLOYEES FOR VISION, COLOR SENSE, AND HEARING.

[Office of Third Vice President, January 1, 1914.]

The following instructions have reference to the sight, hearing, and color sense of employees in train service and the method of conducting examinations in connection therewith.

Persons making application for positions hereinafter prescribed will be examined for sight, hearing, and color sense at the same time the regular physical examination is conducted.

Those affected by rules covering standards of vision must be examined as follows:

When entering the service, without use of glasses.

All classes must be reexamined every two years, unless otherwise prescribed by law, under conditions as shown by standards.

After any accident, in which they are concerned, which may have been caused by defective vision, color sense, or hearing.

After any serious accident or illness or severe inflammation of the eye or eyelids.

Applicants for prescribed positions failing to pass satisfactory examinations will not be employed and employees failing to maintain the required standard will be relieved from such positions; and if possible employment in other

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capacities for which they possess the necessary qualifications will be arranged for.

Examinations will be in charge of the medical examiners of the Baltimore & Ohio Railroad and Baltimore & Ohio Southwestern Railroad, and the chief surgeons of the Cincinnati, Hamilton & Dayton Railway and the Staten Island Lines.

METHOD TO BE FOLLOWED IN ARRANGING FOR PROPER EXAMINATIONS.

The division superintendents will maintain a record for all employees required to take the examinations for sight, hearing, and color sense, notation to be made on the record of each employee.

Applicants for position requiring such examinations will be furnished with Form 726R, properly filled out, for presentation to the examiner so that the examination can be made when the regular physical examination is conducted, the result of such examination to be shown on the lower portion of such form and returned to the superintendent, details to be retained by the examiner and shown on Form 726L for future reference.

For periodical examinations of employees or where for some particular reason frequent examinations are necessary, the same method will be followed.

Should employees fail to present themselves for examination after the expiration of the time limit or when in the opinion of the proper officer it is considered advisable for him to do so and he has been furnished with Form 726R, he will be relieved from the service until the matter is attended to.

GENERAL RULES.

First. Each examiner will be provided with:

- (a) A set of standard test type for determining the acuteness of vision.
- (b) A standard reading card for testing the range of vision.
- (c) Two pairs of test spectacles—one with convex lenses of 2 diopters and the other with plain glass.
- (d) A set of Hohngren worsteds—125 colors, each with a numbered tag.
- (e) A pair of spectacles or shade for testing each eye separately.
- (f) Blank forms for certificates and examiners' records.

Second. Examinations should be conducted in a room or car in which a distance of twenty (20) feet can be measured from the test type to the candidate, and if lantern is used, the room or car should be darkened.

Third. In testing vision, color perception, and hearing, only the person to be examined and the examiner should be in the room or car at the time, except that if an employee so desires, he shall be permitted to call in another employee who has successfully passed to witness the examination.

Fourth. (a) The result of such examination must be shown on the prescribed form (726L) and forwarded to superintendent relief department B. & O. R. R. and B. & O. S. W. R. R., and to chief surgeons C. H. & D. R'y and Staten Island Lines for inspection, record, and file.

(b) Superintendent relief department B. & O. R. R., and B. & O. S. W. R. R., and chief surgeons C. H. & D. R'y and Staten Island Lines will keep proper check to insure reexaminations and will furnish division superintendents with a list of all employees due for reexamination each month.

(c) Examiners will issue to each person who passes a satisfactory examination, a certificate to that effect.

(d) An employee reported defective shall be again tested by the chief medical examiner, who will use the Williams or similar lantern, in addition to the apparatus specified in rule 1.

(e) The chief medical examiner will report result of his examination to the third vice president.

Fifth. Division superintendents will be notified on the prescribed form (726R) the date each employee presents himself for reexamination.

Sixth. All employees who are allowed the use of glasses, must wear them at all times when on duty and must carry a duplicate pair for emergency, and will be examined with each pair.

Seventh. Employees whose vision requires the use of glasses must be examined with the glasses worn; also with the duplicate pair of glasses, and the results recorded in Form 726L.

Elighth. All employees who are permitted to wear glasses for distant vision, when on duty must use the spectacle or automobile goggle form. There is no objection to the use of automobile goggles fitted with glass for protection of the eyes in engine or freight-train service. The use of amber glasses by firemen, as a guard against temporary fire blindness, is encouraged.

Ninth. Applicants having a squint or who are cross-eyed will not be accepted. Examiners who suspect a case of trouble should use some simple test to determine its presence.

Tenth. Employees applying for transfer from one kind of service to another must pass the entrance examination of the class they desire to enter, except that those who have been injured in the service may be transferred to positions as hostlers, switch tenders, and crossing watchmen upon passing the respective reexamination standards.

Eleventh. The test type should be in good light, the bottom of the card about on a level with the eyes. Place the candidate twenty feet from the card and ask him to read the type with both eyes open, then cover one of his eyes with a card or shade held firmly against the nose, taking care not to let it press the eye ball, and instruct him to read with the other eye such type as may be indicated. Each eye should be tested separately.

(a) Examiners are reminded that the normal eye should read the twenty-foot (or 6 meter) letters at twenty feet, in which case the visual power should be expressed by the fraction 20/20. Should a candidate be unable to read the twenty-foot letters at twenty feet, but be able to read the thirty-foot letters, result should be indicated by the fraction 20/30. If he can only read the forty-foot letters record should be 20/40, etc.

(b) Applicants for entrance into the service in classes A, B, or C, when tested for range of vision, must be able to read the standard card at a distance of 14 to 18 inches without glasses. Applicants for the service in all other classes, and employees upon reexamination, may use glasses for near vision.

(c) Car inspectors entering the service must have normal range of vision without the use of glasses. Car inspectors upon reexamination for range of vision who can not read standard card at a distance of 18 inches must wear glasses to make correction.

Twelfth. Applicants for entrance to the service in class A will undergo test to ascertain if farsighted to the extent of 2 diopters; plain and convex glasses will be used, varying the test so that the candidate's former experience or knowledge obtained from others will be valueless. If an applicant reads the twenty-foot letters at twenty feet through convex glasses of 2 diopters he will not be considered satisfactory.

Thirteenth. Examiners will adhere to instructions issued regarding the use of Holmgren color selection test. Further examination when necessary will be made with Williams lantern, as provided in rule 4.

Fourteenth. No applicant will be accepted for entrance to the service and no employee recommended for retention in any class specified in the following requirements who has defective color sense or whose sight or hearing falls below the established standards.

Fifteenth. No employee will be disqualified from the service by reason of defective sight, hearing, or color sense without an examination by the chief medical examiner B. & O. R. R. and B. & O. S. W. R. R., or chief surgeons of C. H. & D. R'y and Staten Island Lines.

Sixteenth. In examination of hearing (which will be with human voice) each ear will be tested separately, and the candidate should not see the movement of examiner's lips.

Seventeenth. Applicants must be able to hear ordinary conversation at a distance of twenty feet.

Eighteenth. Employees will not be retained in the service who can not hear ordinary conversation at ten feet.

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Acuteness of vision standards.

Occupation.	To enter service.	To be promoted	Reexamination.
Class A: Enginemen and firemen—road service.	20/20 in each eye, without glasses; must have normal refraction.	20/30 in one eye and not less than 20/30 in the other, without glasses.	Vision must be 20/30 in one eye and not less than 20/40 in the other, with or without glasses. Not less than 10/50 in each eye without glasses.
Class B: Enginemen and firemen—yard service, road foremen of engines, and assistants.	.....	do.....	Not less than 20/40 in one eye and 20/50 in the other, without glasses.
Class C: Conductors, brakemen, train baggage masters, train flagmen, switch tenders.	20/20 in one eye and not less than 20/40 in the other, without glasses.	Not less than 20/30 in one eye and 20/40 in the other without glasses.	Not less than 20/40 in one eye and 20/50 in the other with or without glasses.
Class D: Car inspectors, engine inspectors, yard clerks.*	Not less than 20/30 in one eye and 20/40 in the other without glasses.	.....	Not less than 20/40 in one eye and 20/50 in the other without glasses.
Class E: Yardmasters and assistants, division operators, telegraph operators, agent operators, section foremen, assistant section foremen, heading laborers, signal inspectors and foremen, lampmen,* levermen, hostlers, hostler helpers.	Not less than 20/30 in one eye and 20/40 in the other with or without glasses, provided vision in each eye must not be less than 20/50 without glasses.	Not less than 20/40 both eyes open and used together, with or without glasses.	Not less than 20/50 both eyes open and used together, with or without glasses.
Class F: division superintendents and assistants, train masters, assistant train masters, division engineers and assistants, roundhouse foremen, master mechanics, assistant master mechanics, general foremen, car foremen, master carpenters and assistants, supervisors and assistants, signal supervisors and assistants, bridge carpenters, building carpenters, foremen, tunnel inspectors and assistants, tunnel foremen, crossing watchmen.	Not less than 20/40 in one eye and 20/50 in the other, with or without glasses, provided vision in each eye must not be less than 20/50 without glasses.	Same as class E.....	Do.

*Color sense and hearing must be normal for all the occupations above mentioned, except engine inspectors, lampmen and yard clerks, who are to be tested for vision and hearing only.

EXHIBITS NOS. 13 AND 13A—FORM 1511D.

This form is the oral examination for all men in train service, and each employee in that service must successfully pass this examination in order to be retained in his position or considered for promotion.

Written examinations are identical with the oral examinations, the only difference being that the written examination contains more pages to take care of the written answers.

Circular issued by third vice-president dated March 20, 1913 (Exhibit No. 13) outlines the manner in which these examinations are to be made; also, note first page of Form 1511D gives in detail the manner in which examinations are to be made and the requirements of employees taking same.

EXHIBIT No. 13.

[The Baltimore & Ohio System: The Baltimore & Ohio Railroad Co., the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., the Staten Island Lines.]

Train rule examinations—General instructions—Third vice-president's No.
Circular—Superintendent's No.—Train rule examinations.

OFFICE OF THE THIRD VICE-PRESIDENT,

Baltimore, Md., March 20, 1913.

There has been issued as of January 1, 1913, a revised book of operating rules, to become effective when all employees subject thereto are familiar with the same and have passed the necessary examination.

You will please arrange to appoint for conducting examinations a sufficient number of examining boards, so that all employees may be examined within a reasonable time.

At terminal points of more than one division there is no objection to joint examining boards with as many sessions each day as convenient, which should facilitate the work.

At terminal points where an examining board will not be located permanently, or at outlying stations, schedules should be arranged showing the days and at what hours examinations will be held, having in mind that they should be arranged for the reasonable convenience of employees, and at a time when the men at such points may take advantage of the opportunity, as it is not desired that any employee should have to lay off for this purpose.

A list of uniform questions, allowing sufficient space for answers to be given, will be furnished, and it should be optional with an employee whether his examination be written or oral; but examination of applicants for employment in train service must be written, and special care be exercised by those making such examinations in order to determine definitely that those examined are sufficiently familiar with the rules before they are allowed to perform service.

If oral examination is had the answers must be filled in by a member of the examining board or a stenographer, and the answers repeated to the employee, that he may state at that time whether they are as he intended.

If the employee prefers a written examination necessary blanks should be handed him and the answers written out by him in the presence of the examining board.

A question improperly answered must be explained to the employee before he leaves the examining room and notation thereof must be placed on his card. In the event of an employee failing to pass the examination, being deficient in respect to certain rules, the examination blank should be withheld and the employee be given careful instructions, by the proper division official, who should outline his weak points and require that he spend the necessary time in becoming thoroughly familiar with the points in which he was lacking, and then be reexamined.

To the list of questions division officials will make such additions as the nature of the division and character of the work to be performed by the employee may in their judgment, require. It is not necessary that all the questions of the list be asked each person examined. The idea is to determine, through the board, if employees sufficiently understand the rules to properly perform the required duties.

The examiners should select from the list the necessary questions, and when the examination is given indicate the questions to be answered with a check mark.

Reexaminations must be held at least once in every two years, or within such limit in accordance with the law in States that require lesser periods.

Examining boards will be provided with blanks containing the questions and so arranged that the name, occupation, division, date of examination, and answers of employee to be placed thereon, report of examining board and signature of person examined, may be shown. One copy of the record of each person examined must be sent to the employment bureau at Baltimore, and one filed at the division superintendent's headquarters.

All assistant train masters, assistant road foremen of engines, train dispatchers, conductors, enginemen, traveling firemen, brakemen, flagmen, switchmen, operators, signalmen, and others having directly to do with the operation of trains, will be required to take the examinations.

There will be furnished index cards so that complete card record will be kept of all books of rules, and employees leaving the service will be required to turn in to the proper officer of the division the books loaned them, and when again delivered to another employee the index card therefor must be promptly sent to the general inspector of transportation at Baltimore, and duplicate of the same be kept by the train master.

It will be necessary that each division report to the general superintendent, who will advise the general inspector of transportation promptly when the examinations for his district have been completed, as it is desired to put the new rules into effect simultaneously upon the whole system, but not until the examinations have been completed for all divisions and have been so reported.

A. W. THOMPSON,
Third Vice-President.

1414 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

EXHIBIT No. 13A.

[The Baltimore & Ohio System, including the Baltimore & Ohio Southwestern Railroad Co., the Cincinnati, Hamilton & Dayton Railway Co., and the Staten Island Lines.]

EMPLOYEES' EXAMINATION ON BOOK OF RULES, EFFECTIVE JANUARY 1, 1913, AND EXAMINERS' REPORT THEREON.

Held at _____, _____ 191... Person examined, _____, for service as _____, _____ division.

We certify that the above-named has been examined and correctly answered the questions upon the rules governing the service indicated.

Examiners.

ORAL EXAMINATION—INSTRUCTIONS TO EXAMINERS.

1. Examination of employees may be written or oral, as they may elect.
2. Examination of nonemployees for positions in train service must be written, and especial care exercised by the examiner to determine definitely a sufficient familiarity with the rules governing the service indicated by the one examined before the examiner certifies to the same.
3. When a person fails to pass the examination the fact must be cited by the examiner to the proper official, and the one examined not allowed to perform service until a satisfactory examination is had and certified to by an examiner.
4. When written examinations are held the examiner will furnish this list of questions and indicate by check mark thereon those which it is desired answered. The answers must be written on the form by the person examined in the presence of the examiner, and the form not taken elsewhere by the former.
5. In oral examinations when a question is incorrectly answered the examiner will repeat the answer to the person examined, and have the latter's assent to the correctness of the repetition before indicating the same as per paragraph 7.
6. When a question is asked and satisfactorily answered it will be indicated by making a cross mark in ink or indelible pencil over the number of the rule and question on the margin of the form.
7. Where it is incorrectly answered the examiner will make one diagonal line across the number of the rule and question on the margin, and hold the form, without certifying thereto, until, upon further examination, it is known that the person understands correctly, in which case a second line, intersecting the other and forming a cross mark, will be made upon the rule and question number on the margin.
8. In examining in classes it is desired, where practicable, that those performing similar duties, and, therefore, interested in the same rules, should be selected for a class. The examiner will have two copies of this form for each person examined, with the name of the person on each.
9. Additional questions should be added to those herewith as may be deemed advisable.
10. When satisfactory examination is passed and the questions asked and answered are indicated as per paragraph 6 the examiner will certify to the same, and the person examined will sign, in duplicate, the certificate on the last page of the form.
11. One copy of this examination must be sent to the employment bureau at Camden Station, Baltimore, Md., and duplicate kept on file at the division headquarters.

[Rule and question number.]

GENERAL NOTICE.

1. Q. Do you understand that entering or remaining in the service is an assurance of willingness to obey the rules?
2. Q. What is essential to the safety of passengers and employees and to the protection of property?
3. Q. What does the service demand of an employee?
4. Q. Upon what do you understand your further promotion depends?
5. Q. Do you understand in accepting employment you assume its risks?

GENERAL RULES.

6. Q. Have you a copy of the book of rules effective January 1, 1913, and the current time-table?

7. Q. What is the duty of employees with respect to the rules and special instructions?

8. Q. What is your duty, if in doubt, as to the meaning of any rule or special instructions?

9. Q. Are all persons employed in any service on trains, whether they are employees of the company or not, subject to the rules and special instructions?

10. Q. What is the duty of each employee with respect to the rules being carried out?

11. Q. What is required of employees when they notice any violation of the rules or special instructions?

12. Q. What is the rule in relation to the use of intoxicants?

13. Q. What is the rule in relation to the use of tobacco?

14. Q. What are the requirements as to wearing badges and uniforms?

15. Q. How are persons who are authorized to transact business at stations or on trains required to conduct themselves?

16. Q. In case of danger to company's property, what is required?

17. Q. Must accidents, detention of trains, failure in supply of water, or fuel, or defects in tracks or bridges be reported and how?

18. Q. What is of the first importance in the discharge of duty?

DEFINITIONS.

19. Q. What is an engine?

20. Q. What is a train?

21. Q. What is a regular train?

22. Q. What is a section of a train?

23. Q. What is an extra train and how designated?

24. Q. What is a superior train?

25. Q. What is a train of superior right?

26. Q. What is a train of superior class?

27. Q. What is a train of superior direction?

28. Q. Is superiority by direction limited to single track?

29. Q. What is a time-table?

30. Q. What is a schedule?

31. Q. What is a main track?

32. Q. What is a single track?

33. Q. Define double track?

34. Q. Define three (or more) tracks?

35. Q. What is meant by current of traffic?

36. Q. What is a station?

37. Q. What is a siding?

38. Q. What is a fixed signal?

39. Q. What is a yard?

40. Q. What is a yard engine?

41. Q. What is a pilot?

42. Q. To what extent, if any, do pilots relieve train and engine crews of responsibility?

43. Q. What is a division?

44. Q. What is a subdivision?

TRAIN RULES.

Standard time.

1-45. Q. What is the standard time used by this division?—A. (Note to examiner: Answer depends on the time-table instruction.)

1-46. Q. How often and when is standard time transmitted to all points?

2-47. Q. Who are required to use reliable watches?

2-48. Q. What are the requirements as to watches, comparison, inspection, etc.?

3-49. Q. What is required of conductors and engineers in regard to standard time before starting on each trip?

3-50. Q. What is a standard clock?

3-51. Q. What is the duty of conductors, engineers, and other designated employees when they do not have access to a standard clock?

TIME-TABLES.

- 4-52. Q. When does the new time-table supersede the old?
- 4-53. Q. How will a train of the preceding time-table proceed if it has a corresponding number, class, day of leaving, direction, and initial and terminal stations?
- 4-54. Q. If a train of the preceding time-table has not the same number, class, day of leaving, direction, and initial and terminal stations, how will it proceed?
- 4-55. Q. What fixes the date of a schedule on a division (or subdivision)?
- 4-56. Q. May more than one schedule of the same number and day be in effect on any division (or subdivision)?
- 4-57. Q. May a train which has become 12 hours late on the preceding time-table assume the new time-table schedule, if schedules correspond as required?
- 4-58. Q. If a schedule of the preceding and new time-table fails to correspond in one point only, may a train of the preceding time-table assume the new schedule?
- 4-59. Q. In case there are two or three sections of No. 1 of the preceding time-table, may all the sections proceed on the new schedule if schedules correspond as required?
- 5-60. Q. How many times are shown on the time-table for a train at any station?
- 5-61. Q. Where one is shown, what is it if not otherwise indicated?
- 5-62. Q. Where two are given what are they?
- 5-63. Q. Where does the time at a station apply?
- 5-64. Q. How are schedule meeting or passing stations indicated on the time-table?
- 5-65. Q. When both the arriving and leaving time of a train are in full-face type, what does it indicate?
- 5-66. Q. Under what conditions will the time at each end of a siding, extending between two adjoining stations, be shown in full-face type?
- 5-67. Q. How are the numbers of trains to be met or passed shown on the time-table?
- 6-68. Q. What do the letters "s" and "f" placed before the figures of the schedule indicate?
- 6-69. Q. What are the additional letters or symbols shown on the time-table and what does each signify?—A. (Note to examiner: Answer should be in accordance with the time-table rule or instructions.)

SIGNAL RULES.

- 7-70. Q. With what appliances must employees whose duty it is to give signals be provided, and when should they be ready for use?
- 8-71. Q. What signals are used by day and what by night?
- 9-72. Q. When are night signals to be displayed?
- 9-73. Q. When must night signals be used in addition to day signals?
- 10-74. Q. What are the color signals in use on this division, and what does each indicate?—A. (Note to examiner: As these differ on divisions the answer should be in accord with the division practice.)
- 11-75. Q. What colors do fuses burn on this division, and what does each color indicate?—A. (Note to examiner: As these differ on divisions the answer should be in accord with the division practice.)
- 11-76. Q. What must be done when a fusee is found on or near the track burning red?
- 11-77. Q. What restriction governs the throwing of lighted fusees?

HAND, FLAG, AND LAMP SIGNALS.

- 12-78. Q. What is the hand, flag, and lamp signal to indicate stop?
- 12-79. Q. To indicate proceed?
- 12-80. Q. To indicate back?
- 12-81. Q. To indicate train has parted?
- 12-82. Q. To apply air brakes when train is standing?
- 12-83. Q. To release air brakes when train is standing?
- 12-84. Q. To reduce speed? (Note: Examiner should require the party examined to give the hand, flag, and lamp signals in his presence.)
- 13-85. Q. When any object is waved violently by anyone on or near the track, how should it be considered?

ENGINE WHISTLE SIGNALS.

(Note to examiner: "o" represents short sounds and a dash "—" longer sounds.)

- 14-86. Q. What is the signal to apply brakes or stop?
- 14-87. Q. What is the signal to release brakes?
- 14-88. Q. What is the signal for the flagman to go back and protect rear of train?
- 14-89. Q. What is the signal for the flagman to return from the west or south?
- 14-90. Q. What is the signal for the flagman to return from the east or north?
- 14-91. Q. What is the signal for the flagman to return from the west or south on branches?
- 14-92. Q. What is the signal for the flagman to return from the east or north on branches?
- 14-93. Q. What is the signal that train has parted? How often should the signal be repeated?
- 14-94. Q. What is the answer to any signal not otherwise provided for?
- 14-95. Q. What does three short (ooo) blasts of the engine whistle indicate?
- 14-96. Q. What is the call for signals?
- 14-97. Q. What does one long and two short (— oo) blasts of the engine whistle indicate?
- 14-98. Q. What is the signal when approaching public crossings at grade?
- 14-99. Q. What is the signal when approaching stations, junctions, and railroad crossings at grade?
- 14-100. Q. What is the signal indicating that the train order signal has changed to proceed?
- 14-101. Q. What is the signal for air brakes sticking?
- 14-102. Q. For what purpose are two short and one long (oo —) blasts of the whistle sounded?
- 14-103. Q. What does a succession of short sounds of the engine whistle indicate?
- 15-104. Q. What does the explosion of one or two torpedoes indicate?
- 15(A)-105. Q. What communicating signal must the conductor of passenger train give approaching all meeting points?
- 15(A)-106. Q. How should this be answered by the engineer?
- 15(A)-107. Q. What engine whistle signal must locomotive engineer of trains, other than passenger, give when approaching scheduled or train order meeting points, or points where ordered to report for orders?
- 15(A)-108. Q. What is the duty of conductors and brakemen when the engineer fails to give this signal?
- 15(A)-109. Q. If these signals are not given, are conductors or engineers relieved of responsibility?
- 15(B)-110. Q. What is the proper train equipment for flagging purposes?
- 15(B)-111. Q. What is the proper engine equipment for flagging purposes?
- 15(B)-112. Q. How many torpedoes shall be attached to the flag stick and red lantern?

COMMUNICATING SIGNALS.

- 16-113. Q. What do two sounds indicate when train is standing?
- 16-114. Q. What do two sounds indicate when train is running?
- 16-115. Q. What do three sounds indicate when train is standing?
- 16-116. Q. What do three sounds indicate when train is running?
- 16-117. Q. What do four sounds indicate when train is standing?
- 16-118. Q. What do four sounds indicate when train is running?
- 16-119. Q. What do five sounds indicate when train is standing?
- 16-120. Q. What do five sounds indicate when train is running?
- 16-121. Q. What does one short and one long sound indicate when train is running?

TRAIN SIGNALS.

- 17-122. Q. Where and when will the headlight be displayed?
- 17-123. Q. When must it be concealed?
- 18-124. Q. What signals will yard engines display at night and where?
- 18-125. Q. When not provided with a headlight at the rear what lights must be displayed?

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- 19-126. Q. What are markers?
 19(A)-127. Q. What will a passenger train display as markers by day?
 19(A)-128. Q. When should these lights be kept burning by day?
 19-129. Q. What will all other trains display as markers by day?
 19-130. Q. What will all trains display by night as markers when on the main track?
 19-131. Q. What will train by night display as markers when clear of main track?
 19-132. Q. What will a train on double track by night display as markers when turned out against the current of traffic?
 19-133. Q. What change must be made before again fouling the main track?
 19-134. Q. If a train is on a siding and is met or passed by another train without markers, how must the train on the siding be governed?
 20-135. Q. When regular trains are run in sections, what signals must all sections except the last display on the front of the engine?
 21-136. Q. What do two white flags by day and, in addition, two white lights by night in the places provided on the front of the engine indicate?
 22-137. Q. When two or more engines are coupled and carrying signals, which engine should display the signals? What exception, if any?
 22-138. Q. When the helper engine is attached to the rear of a train, where should the markers be displayed?
 23-139. Q. When only one marker or classification signal is displayed where two are prescribed, what does it indicate?
 23 (A)-140. Q. Should classification signals be displayed on trains when running under signal indication?
 24-141. Q. When cars are pushed by an engine at night, what signal must be displayed and where?
 25-142. Q. Must each car in a passenger train be in communication with the engine?
 26-143. Q. What does a blue signal indicate when displayed at one or both ends of an engine, car, or train?
 26-144. Q. How must employees be governed if they find a blue signal displayed?
 26-145. Q. What are you required to do before placing cars which would obstruct the view of blue signals?
 26-146. Q. When a blue signal has been displayed who may remove it?

USE OF SIGNALS.

- 27-147. Q. How must an imperfectly displayed signal, or the absence of one where a signal is usually shown, be regarded, and what is required in connection therewith?
 28-148. Q. What signal must be used to stop a train at a point not a flag station?
 28-149. Q. For what is a combined green and white signal used?
 29-150. Q. How must a signal, other than a fixed signal, be acknowledged by an engineer?
 30-151. Q. When must the engine bell be rung?
 31-152. Q. What are the further requirements with regard to the use of engine bell and whistle?
 32-153. Q. What is the rule with regard to the unnecessary use of same?
 32-154. Q. Should the whistle be sounded when passing passenger trains?
 33-155. Q. What signal will watchman at a road crossing use when necessary to stop trains?
 34-156. Q. What whistle signal will locomotive engineer give to the signalman indicating desire to proceed, and when will the signalman restore the signal to the normal stop position?
 34 (A)-157. Q. Under what conditions may a train pass the signal at open telegraph stations? What exceptions, if any, are there to this rule?
 35-158. Q. When a signalman has orders for a train, can he give proceed to any other train? If so, how?
 36-159. Q. When a signalman has orders for a train, may he display a "Proceed" signal for any other train?
 37-160. Q. What does one long and two short (— oo) blasts of the engine whistle indicate?
 37-161. Q. Where and when must this signal be sounded?

- 37-162. Q. How answered?
 37-163. Q. If not answered, what action must be taken?
 38-164. Q. When two or more trains displaying classification signals meet, which train will give the engine whistle signal and answer?
 39-165. Q. When a passing train fails to acknowledge classification whistle signals sounded by a standing train, what action should be taken by the engineer and conductor of the standing train?
 40-166. Q. If conductors, locomotive engineers, or trainmen are in doubt as to signals displayed by other trains, what must they do before leaving the station or siding?
 41-167. Q. How are communicating signals to start or stop passenger trains given, and from what part of the train?

SUPERIORITY OF TRAINS.

- 71-168. Q. How is one train superior to another?
 71-169. Q. How is right conferred?
 71-170. Q. How is class and direction conferred?
 71-171. Q. Which is superior, right, class, or direction?
 71-172. Q. Between what trains does superiority by direction apply?
 72-173. Q. Define the superiority of the different classes?
 72-174. Q. In which direction are trains superior to trains of the same class in the opposite direction?
 72-175. Q. Is superiority by direction limited to single track?
 73-176. Q. Are extra trains inferior to regular trains?

MOVEMENT OF TRAINS.

- 82-177. Q. How long are time-table schedules in effect unless fulfilled?
 82-178. Q. When do regular trains lose right and schedule?
 82-179. Q. After losing right and schedule how may they proceed?
 83-180. Q. What must be ascertained before leaving an initial station on any division (or subdivision) or junction point, or passing from double track to single track?
 83(A)-181. Q. What are the duties of conductors, and engineers of engines without conductors, with reference to train register books?
 83(A)-182. Q. Where are register books located on this division?—A. (Note to examiner: Party examined should name locations as listed in the time-table.)
 83(B)-183. Q. What are the duties of conductors and engineers with reference to bulletin boards and general orders?
 83(C)-184. Q. Where will conductors report and what will they obtain before leaving their respective initial stations?
 83(D)-185. Q. Can Form A be used to register at designated points?
 83(D)-186. Q. Can Form C be used for registering at designated points?
 84-187. Q. Is a train allowed to start without the proper signal being given?
 85-188. Q. May a train proceed ahead of a train of another schedule of the same class in the same direction?
 85-189. Q. May trains of one schedule pass trains of another schedule of the same class?
 85-190. Q. May extras pass and run ahead of extras?
 85-191. Q. May sections of a schedule pass other sections of the same schedule?
 86-192. Q. How many minutes must an inferior train clear the time of a superior train in the same direction? What distinction is made with reference to a first-class train?
 87-193. Q. What is the duty of an inferior train when it fails to clear the time of opposing superior trains as required by rule?
 87-194. Q. How are extra trains to be governed in reference to clearing the time of other trains?
 88-195. Q. When trains of the same class meet on single track, when must the inferior train clear the main track?
 88-196. Q. At meeting points between extra trains, which train must take the siding?
 88-197. Q. How must trains enter sidings?
 88-198. Q. At meeting points between trains of different classes, how must the inferior clear the superior train?

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89-199. Q. If necessary for the inferior train to back in, what protection must be given?

90-200. Q. Are trains of the same class required to stop at scheduled meeting stations?

90-201. Q. If the expected train of the same class is not found at the scheduled meeting point, how must the superior train be governed?

90-202. Q. At what point must the train which is to hold the main track stop?

90(A)-203. Q. How must trains be run on passing sidings?

91-204. Q. Unless some form of block signal is used, how many minutes must trains in the same direction keep apart?

92-205. Q. May a train arrive at a station in advance of its scheduled arriving time?

92-206. Q. May a train leave a station in advance of its scheduled leaving time?

93-207. Q. How will yard limits be indicated?

93-208. Q. How may yard engines occupy main tracks within the yard limits?

93-209. Q. How may trains other than first class move within yard limits?

94-210. Q. If a train overtakes another train disabled so that it can not proceed, how will it be governed?

94-211. Q. When a disabled train is passed by a following train to which it has given its schedule and train orders, on what authority will the disabled train move?

94-212. Q. On single track when a train is unable to proceed against the right or schedule of an opposing train and is overtaken between telegraph stations by an inferior train, or train of the same class having right or schedule which permits it to proceed, how may the delayed train proceed?

94-213. Q. When opposing trains are met under these circumstances what information must be given them?

95-214. Q. May two or more sections of a train be run on the same schedule?

95-215. Q. Has each section equal time-table authority?

95-216. Q. By whose authority will trains display signals for a following section?

96-217. Q. On single track when signals displayed for a section are taken down at any point before that section arrives, what must be done?

97-218. Q. By whose authority may extra trains be run?

98-219. Q. How must trains approach the end of double track, junctions, railroad crossings at grade and drawbridges?

99-220. Q. When a train stops or is delayed under circumstances in which it may be overtaken by another train, how must its rear be protected?

99-221. Q. What must be done when recalled?

99-222. Q. When necessary who must protect the front of the train?

99-223. Q. When on other than single track trains are stopped unexpectedly, what protection must be immediately provided?

99(A)-224. Q. What must a flagman do who sees or hears an approaching train before he has reached the required distance to protect his train?

99(B)-225. Q. How is a flagman to be governed in locations, designated in the time-table as being automatically signaled?

99(C)-226. Q. Should the speed of a train be reduced and its rear thereby endangered, making it necessary to check a following train, what is the duty of the flagman?

99(D)-227. Q. How must instructions be given flagmen when work trains or other employees are performing work requiring flag protection? To whom must they be shown?

100-228. Q. When a flagman goes back to protect the rear of the train, who must take his place on the train?

100-229. Q. When a flagman is left, by whom must the train be protected?

100(A)-230. Q. May flagmen be sent out to flag only certain trains?

101-231. Q. If a train should part while in motion what action must be taken by trainmen and engineers?

101-232. Q. On double track, how should a train on the opposite track be warned?

101-233. Q. When the front portion goes back to recover the detached portion, how must it run and under what protection?

101-234. Q. Should the detached portion be moved or passed until the front portion comes back?

102-235. Q. When cars are pushed by an engine (except when shifting and making up trains in yards), where must a flagman be stationed?

103-236. Q. How must all messages or orders respecting the movement of trains or the conditions of track or bridges be given?

104-237. Q. How must switches be left after use?

104-238. Q. Who is responsible for leaving switches in proper position except where switch tenders are stationed?

104-239. Q. May switch be left open for a following train?

104-240. Q. Where must employees stand with reference to facing point switches?

104-241. Q. After a train enters a siding, or has crossed from one track to another to allow a train to pass, how must the pull-in switch and derail, or both switches of the crossover, be set?

105-242. Q. Who are equally responsible for the safety of a train and what is required of them?

106-243. Q. What course must be pursued in case of doubt or uncertainty? (Repeat rule 106.)

107-244. Q. When a train without markers passes a telegraph office, what must the operator do?

108-245. Q. Must a positive block be maintained behind all passenger trains? If not, state under what conditions following trains may proceed?

108-246. Q. What is the meaning of "under control"?

106-247. Q. At what rate of speed must a train proceed after receiving a caution signal (except automatic block caution signal governed by automatic block rule 501)?

109-248. Q. Are train crews relieved from protecting under rule 90?

110-249. Q. When a train in transit is laid up on a siding, what must be done?

111-250. Q. When, where, and how must air be tested?

111-251. Q. How and when will the running test on passenger trains be made?

112-252 -- Q. When trains cross over on double track, how must both switches be handled?

113-253. Q. Under what conditions must trainmen ride out on the top of freight trains, and what signals will be exchanged at such times?

113-254. Q. Who will see that employees are properly placed?

114-255. Q. When should trains stop to collect mail pouches?

115-256. Q. When should engines be detached from freight trains to take water, or fuel?

116-257. Q. Where trains are run under signal indication, on single track, and instructions can not be obtained, how may trains proceed?

117-258. Q. What stops will a passenger train make when run to represent a regular passenger train?

D151-259. Q. On double track, do trains keep to the right or left?

D152-260. Q. How must a train be protected before crossing over to, or obstructing the other track?

D152-261. Q. Under what conditions may a train cross over when a superior train is due?

D152-262. Q. In permitting trains to pass after crossing over, what trains must be given preference?

D153-263. Q. How must trains run in passing a train which is receiving or discharging passengers at a station?

D154-264. Q. What is the duty of engineers with respect to trains following too closely on the opposite track?

SIGNAL INDICATION RULES.

D251-265. Q. Where will block signals supersede time-table superiority?

D252-266. Q. Who will issue instructions governing movement of trains under signal indication?

D253-267. Q. From whom must permission be obtained before entering a block when it is known that the train will be delayed by work or other causes within that block?

D253-268. Q. From whom must the signalmen obtain authority to give this permission?

D254-269. Q. Do block signal and train rules remain in force in territory operated under signal indication?

(Note to examiner: Rules D261 to D264, inclusive, are not now in use on any portion of the road, and no questions should be asked thereon.)

RULES FOR THREE AND FOUR TRACKS.

- F271-270. Q. How are the tracks numbered?
 F272-271. Q. How is their use as to class and current of traffic designated?
 F274-272. Q. What marker lights shall a train running with the current of traffic on a high-speed track display?
 F274-273. Q. What marker lights when running by night with the current of traffic on a slow-speed track, or any track against the current of traffic, will be displayed?
 F274-274. Q. What marker lights will be displayed by night when on a siding?
 F275-275. Q. What are the engine whistle signals to recall flagman on three or four tracks?—A. (Note to examiner: On divisions where three or four tracks are used, special whistle signals are provided therefor by general order or timetable, and examination should be made in accordance therewith and not in accordance with rule F275.)
 F276-276. Q. Do block signal and train rules for double track remain in force?

RULES FOR MOVEMENT BY TRAIN ORDERS.

- 201-217. Q. For what movements are train orders issued?
 201-278. Q. By whose authority and over whose signature are train orders issued?
 201-279. Q. What must they not contain?
 201-280. Q. Must they be brief and clear, and in the prescribed forms when applicable?
 201-281. Q. May they contain erasures, alterations, or interlineations?
 202-282. Q. Must train orders be given in the same words to all persons or trains addressed?
 203-283. Q. How must train orders be numbered?
 204-281. Q. To whom must train orders be addressed?
 204-285. Q. To whom must train orders for a train be addressed?
 204-286. Q. Who must be supplied with a copy by the operator?
 204-287. Q. By whom must train orders addressed to operators restricting the movement of trains be respected?
 205-288. Q. How must train orders be written at the office of the superintendent and records made?
 206-289. Q. How must regular trains be designated in train orders?
 206-290. Q. How must extra trains be designated in train orders?
 206-291. Q. May other numbers and time be expressed in figures only?
 207-292. Q. What signal does the dispatcher give to each office in transmitting train orders?
 208-293. Q. How must a train order to be sent to two or more offices be transmitted?
 209-294. Q. When must operators make the copy of an order on manifold blanks, and should he fail to make enough, how will he supply them?
 209-295. Q. Are there any exceptions to this?
 210-296. Q. How must the operators proceed with repetition of a "31" train order?
 210-297. Q. What should each operator receiving the order observe?
 210-298. Q. After the order has been repeated who must sign it?
 210-299. Q. What is the operator's duty in regard to the order after it has been signed?
 210-300. Q. Who must deliver the copy for each engineer?
 211-301. Q. How must the operator proceed with the repetition of a "19" train order?
 211-302. Q. After receiving "complete" what will the operator do?
 211-303. Q. When delivery of a "19" train order to an engineer will take the operator from the immediate vicinity of his office, how must the engineer's copy be delivered?
 211-304. Q. May "19" orders be used to restrict the superiority of trains? By what authority?
 211(A)-305. Q. When a "19" train order is issued for a train at a point where its superiority is restricted by such an order, what is required?
 211(A)-306. Q. When train orders are issued restricting the superiority of a train at a point where such superiority is restricted, what signals must be displayed?
 211(B)-307. Q. To whom must the conductor show his orders?

- 211(B)-308. Q. To whom must the engineer show his orders?
- 211(B)-309. Q. What are the duties of fireman, flagman, and brakeman in reference to train orders received?
- 212-310. Q. When may the "X" response be used?
- 212-311. Q. How is the "X" response used?
- 213-312. Q. When may "complete" be given to a train order for delivery to an inferior train?
- 214-313. Q. When a train order has been repeated or "X" response sent, and before "complete" has been given, how must the order be treated?
- 214-314. Q. If the line fail before the order has been repeated, or "X" response sent, how must the order be treated?
- 215-315. Q. What copy of a train order must the operator preserve?
- 216-316. Q. What are the requirements for train orders delivered by the dispatcher?
- 217-317. Q. How should a train order be addressed to a train which can not be reached by wire?
- 217-318. Q. Whose signature must be taken before "complete" is given when Form "31" is used, and with what copies should the person delivering the order be supplied?
- 217-319. Q. What must the conductor do with the copy he retains and whose signature must appear thereon?
- 217-320. Q. May the train receiving this order act on it as if "complete" had been given in the usual manner?
- 217-321. Q. If an order so delivered restricts the superiority of a train, what is necessary before "complete" may be given to the order to an inferior train?
- 218-322. Q. When a train is named in a train order are all its sections included unless particular sections are specified, and should each section included have a copy of the order?
- 219-323. Q. May an operator repeat or give the "X" response to a train order for a train which has been cleared or the engine of which has passed has train order signal?
- 220-324. Q. How long are train orders in effect?
- 220-325. Q. May any part of an order be superseded or annulled?
- 220-326. Q. When do orders held by or issued for, or any part of an order relating to a regular train, become void?
- 220(A)-327. Q. How long should a train order relating to reduction of speed on account of conditions which are liable to exist longer than 10 days, be allowed to continue in effect?
- 221-328. Q. What is the normal indication of a fixed signal at a train order office, and under what conditions may it be changed from this normal position? When may it be fastened at "proceed"?
- 221-329. Q. May a train pass the signal while "Stop" is indicated?
- 221-330. Q. May this signal be used to hold trains running in the same direction the required time apart?
- 221-331. Q. What appliances should operators keep on hand to use if fixed signals should fail to work properly?
- 221-332. Q. If a fixed signal is not displayed at a night office how must trains that have not been notified be governed?
- 221-333. Q. Where the semaphore is used, on which side of the signal mast, as seen from approaching train, is the governing arm displayed?
- (Note to examiner: This question is introduced in connection with rule 221 to have the examiner develop that where the semaphore is used as a fixed signal in accordance with the rule, that the party examined should give his understanding of the indications when the position of the arm is horizontal, diagonal, or vertical.)
- 221(A)-334. Q. What must delivered train orders be accompanied by?
- 222-335. Q. What record of trains will be kept by operators and what report of trains will be made?
- 223-336. Q. What abbreviations and signs may be used?

FORMS OF TRAIN ORDERS.

(Note to examiner: In examinations on forms of train orders, the names of places on the division where those examined are employed should be substituted for the letters.)

Form A-337. Q. How will two opposing trains holding orders to meet at a certain station run with respect to each other?

Form A-338. Q. If the trains are of the same class, what rule is referred to?
 Form A-339. Q. If the trains are of different classes, what rule is referred to?

Form A-340. Q. Should a meeting order be sent for delivery to a train at the meeting point?

Form A-341. Q. If an order is sent to the meeting point, what should be added to the order?

Form A-342. Q. If as conductor or engineer of No. 4, a superior train, you held an order reading: "No fifty five 55 Eng 873 meet No four 4 Eng 888 at B," and No. 55 arrived at B displaying signals, how would you be governed?

Form A-343. Q. If as conductor or engineer of No. 4, a superior train, you held an order to meet second No. 55 at B and second No. 55 arrived with signals, how would you be governed?

Form A-344. Q. If second No. 55 arrived without signals and with no markers, would you proceed?

Form A-345. Q. If as conductor or engineer of No. 4, a superior train, you held an order reading: "No four 4 Eng 888 meets first 1st No fifty five 55 Eng 873 at C and second 2d No fifty five 55 Eng 876 at E," and on arrival at E you received an order reading: "No four 4 Eng 888 meet second 2d No fifty five 55 Eng 876 at E," how would you be governed?

Form A-346. Q. If No. 4, a superior train, held order No. 1 reading: "No four 4 Eng 888 meet No fifty five 55 Eng 873 at B," and No. 55 arrived at B with signals and another order was given reading: "No four 4 Eng 888 meet 2d No fifty five 55 Eng 876 at C instead of B," and when No. 4 reached C it finds second No. 55 displaying signals, what must it do?

Form B-347. Q. If as conductor or engineer of No. 1 you held an order reading: "No one 1 Eng 1602 pass No three 3 Eng 1702 at K," how would you be governed?

Form B-348. Q. If an order is held by No. 6 and No. 4 reading: "No six 6 Eng 1810 pass No four 4 Eng 1828 when overtaken," how would the trains be governed?

Form B-349. Q. If as conductor or engineer of No. 6 you held an order reading: "Extra 594 East run ahead of No six 6 Eng 1828 M to B," how would you be governed?

Form B-350. Q. If an order is received reading "Extra 1150 West run ahead of No three 3 Eng 2410 B until overtaken," how would No. 3 be governed?

Form B-351. Q. When an inferior train receives an order to pass a superior train, is right conferred to run ahead of the train passed from the designated point?

Form B-352. Q. Do trains of any class require orders to pass trains of the same class in the same direction?

Form B-353. Q. Do extras require orders to pass extras?

Form C-354. Q. If as conductor or engineer of No. 2, a superior train, you held an order reading: "No one 1 Eng 2410 has right over No two 2 Eng 2428 G to X," would you pass X before the arrival of No. 1?

Form C-355. Q. If as conductor or engineer of No. 3 you held an order reading: "Extra 37 East has right over No three 3 Eng 2429 F to A," would you go beyond A before the arrival of the extra train and if not why?

Form C-356. Q. As conductor or engineer of Extra 37 East, how would you be governed?

Form C-357. Q. If your order to run extra extended beyond A and No. 3 had not reached there on your arrival, would you proceed against No. 3, and if so under what circumstances?

Form C-358. Q. If you were on No. 2, a superior train, and held an order reading: "No one 1 Eng 2410 has right over No two 2 Eng 2428 G to X," and should receive another order reading: "No two 2 Eng 2428 meet No one 1 Eng 2410 at J," would you pass X?

Form C-359. Q. If you were on No. 2 and held the same orders, except the meeting point was at G, would you take siding?

Form C-360. Q. When a right of track order is given to an inferior train against a superior train to a designated point, which train is required to take the siding?

Form C-361. Q. If a right of track order is given an extra train against a superior train to a designated point, can the superior train move beyond that point if the extra has not arrived?

Form C-362. Q. If an order was received reading: "Extra 37 East has right over No three 3 Eng 2429 F to A, but will wait at C until nine thirty 9 30 A M

for No three 3 Eng 2420," could No. 3 leave F before the arrival of the extra? If so how far could it go?

Form E-363. Q. If on No. 2, a superior train, you hold an order reading: "No two 2 Eng 2112 wait at H until ten 10 A M for No one 1 Eng 2115," how would you be governed?

Form E-364. Q. As conductor or engineer of No. 1 how would you be governed, both being first-class trains?

Form E-365. Q. How would an inferior train be governed if it received an order reading: "No one 1 Eng 2115 run twenty 20 mins late A to G?"

Form E-366. Q. If as conductor or engineer of an inferior opposing train you received an order reading: "No one 1 Eng 2115 run two 2 hours late A to B and one 1 hour late B to C," how much time could you use to make B?

Form E-367. Q. If as conductor or engineer of an inferior train you received an order reading: "Nos one 1 Eng 2115 and three 3 Eng 2116 wait at N until ten 10 A M—P until ten thirty 1030 A M—R until ten fifty five 1055 A M," how would you be governed?

Form F-368. Q. If engine 20 holds an order reading: "Eng 20 display signals and run as first 1st No one 1 A to Z," how would it be governed?

Form F-369. Q. If engine 25 holds an order reading: "Eng 25 run as second 2d No one 1 A to Z," how would it be governed?

Form F-370. Q. If engine 25 holds an order reading: "No one 1 Eng 20 display signals A to G for Eng 25," how would engine 25 be governed?

Form F-371. Q. If engines 20, 25 and 99 held an order reading: "Engs 20 25 and 99 run as first 1st second 2nd and third 3d No one 1 A to Z," how would they be governed?

Form F-372. Q. If engines 85 and following sections held an order reading: "Eng 85 display signals and run as second 2d No one 1 N to Z following sections change numbers accordingly," how would they be governed?

Form F-373. Q. If engine 85 and following sections held an order reading: "Eng 85 is withdrawn as second 2d No one 1 at H following sections change numbers accordingly," how would they be governed?

Form F-374. Q. If engine 18 holds the following order: "Eng 18 instead of Eng 85 display signals and run as second 2d No one 1 R to Z," how would they be governed?

Form F-375. Q. If second No. 1 and following sections held an order reading: "Second 2d No one 1 Eng 85 take down signals at R," how would they be governed?

Form F-376. Q. If engines 25 and 99 held an order reading: "Engs 25 and 99 reverse positions as second 2d and third 3d No one 1 H to Z," how would they be governed?

Form F-377. Q. Where an engine is substituted for another on a section, or where the positions of a section are reversed, what should be the duty of the dispatcher in reference to other trains affected? What should be the duty of the conductors and engineers of both sections in connection with train orders and the display of signals?—A. (Note to examiners: Where an engine is substituted for another on a section, or where the position of the sections are reversed, it should be the duty of the dispatcher to notify other trains affected thereby. Whenever conductors and engineers change off on the road they must transfer to each other all train orders and other instructions affecting their trains and each must know that the train orders and instructions transferred are understood by the others. Examiners will ask such questions as will develop an understanding in accordance herewith.)

Form F-378. Q. To annul a section for which signals have been displayed over a division or any part of a division when no train is to follow the signals what form of a train order must be used?

Form F-379. Q. Does an order reading: "Eng 20 display signals and run as first 1st No one 1 A to Z" give any authority for a second section to run if they receive a copy of the order?

Form F-380. Q. Under the conditions stated how should the order read to authorize a second section of No. 1?

Form G-381. Q. How would engine 99 proceed under the following order: "Eng 99 run Extra A to F?"

Form G-382. Q. Would you be required to protect against opposing extras upon this order?

Form G-383. Q. What right does this give you to main track at F?

Form G-384. Q. Are extra trains required to clear all regular trains; and if so, how much?

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Form G-385. Q. If engine 99 held an order to run extra A to F and return to C, would it be necessary for Extra 99 to go to F before returning to C?

Form G-386. Q. If engine 77 held an order reading: "Eng 77 run Extra leaving A on Thursday Feb seventeenth 17th as follows with right over all trains:

Leave A eleven thirty 11 30 P M

Leave C twelve twenty five 12 25 A M

Leave E one forty seven 1 47 A M

Arrive F two twenty two 2 22 A M"

Would this extra lose right when it became twelve hours late?

Form G-387. Q. How many minutes must all trains clear the time of this extra?

Form G-388. Q. If engine 77 held an order No. 1 reading: "Eng 77 run extra A to D and meet No twenty-six 26 Eng 1432 at D" and upon arrival at D it should be given order No. 2 reading: "Eng 77 run extra D to E and meet No twenty six 26 Eng 1432 at E," would it be a proper order?

Form G-389. Q. If engine 77 arrived at D under order No. 1 and received, order No. 3 to run extra to E instead of D, and also received order No. 4 to meet No. 26 at E, could it go to E for No. 26?

Form G-390. Q. What is the purpose of describing an extra train as a "passenger extra"?

Form G-391. Q. Has a passenger extra any superiority over other extra trains?

Form H-392. Q. If on engine 292 you received an order reading: "Eng 292 works seven 7 A M to six 6 P M between D and E," how would you be governed?

Form H-393. Q. If the order was modified by adding "Not protecting against eastward extras," how would you be governed?

Form H-394. Q. If the order was modified by adding "Not protecting against extras," how would the work extra be governed?

Form H-395. Q. If work extra 292 receives an order reading: "Work Extra 292 clears (or protects against) Extra 76 East between D and E after two ten 2 10 P M," how will Extra 292 be governed?

Form H-396. Q. How will extra 76 east be governed?

Form H-397. Q. If work extra 292 receives an order reading: "Work Extra 292 protects against No fifty five 55 Eng 1403 (or ——— class trains) between D and E," how will it be governed?

Form H-398. Q. How would No 55 be governed?

Form H-399. Q. If work extra 292 receives an order reading: "Work Extra 292 has right over all trains between D and E seven 7 P M to twelve 12 night," what right does this give the work extra?

Form H-400. Q. How will other trains be governed?

Form H-401. Q. Must other extra trains which are run over working limits have a copy of the order held by the work extra?

Form H-402. Q. Should the work order instruct a work extra not to protect against extra trains in one or both directions, how must extra trains be governed?

Form H-403. Q. If the order indicates the work extra is protecting itself against other trains, how will other trains be governed?

D. Form H-404. Q. (Note to examiner: For double track, examiners will question in accordance with examples and instructions shown in Book of Rules, D. Form H, Work Extra.)

Form J-405. Q. If an order is received reading: "Hold No two 2 Eng 2446" or "Hold all (———ward) trains," how would No. 2 or the trains named be governed?

Form J-406. Q. To whom will holding orders be addressed and delivered?

Form J-407. Q. When will Form J be used?

Form J-408. Q. Will any orders received by a train addressed to it only, release it from the holding order?

Form K-409. Q. How would an order reading "No one 1 Eng 2447 of Feb twenty ninth 29th is annulled A to Z" affect the rights of No. 1?

Form K-410. Q. When a train is annulled between given points are its rights affected between other points?

Form K-411. Q. When a train has been annulled may it be restored under its original number by train order?

Form K-412. Q. If you held an order to meet No. 1 at C and later got an order that No. 1 was annulled, how would you proceed?

Form K-413. Q. How would an order reading "Second 2d No five 5 Eng 2448 of Feb twenty ninth 29th is annulled E to G" affect second No. 5's rights?

Form K-414. Q. May an order annulling a schedule or section be combined with any other train order?

Form L-415. Q. How must an order annulling another order read, and must it be numbered, transmitted, and signed for as any other order?

Form L-416. Q. If an order to be annulled has not been delivered to a train, to whom must the annulling order be addressed, and what must the party to whom addressed do in connection therewith?

Form L-417. Q. May an order which has been annulled be reissued under its original number?

Form M-418. Q. May part of an order be annulled?

Form M-419. Q. Would the portions of the order not annulled remain effective?

Form P-420. Q. May an order superseding an order or part of an order be given? If so, what words should be added to the prescribed form?

Form P-421. Q. May an order which has been superseded be reissued under its original number?

Form P-422. Q. Under the following orders how will No. 1 be governed?

Order No. 1—No one 1 Eng 2448 meet No two 2 Eng 2447 at B.

Order No. 2—No one 1 Eng 2448 meet No two 2 Eng 2447 at C instead of B.

Order No. 3—Order No two 2 is annulled.

Form R-423. Q. When may a train be moved against the current of traffic?

Form R-424. Q. If as conductor or engineer of No. 1 you received an order reading "No one 1 Eng 2448 has right over opposing trains on No two 2 (or eastward) track C to F" how would you be governed?

Form R-425. Q. How must opposing trains be governed?

Form R-426. Q. Where trains are not governed by signal indication must the interior train between the points named moving with the current of traffic in the same direction as the designated train receive a copy of the order? May it then proceed on its schedule or right?

Form R-427. Q. Where trains are operated under Rule D-251 would it be necessary to give other trains copy of this order?

Form R-428. Q. If you received an order reading "After No four 4 Eng 2449 arrives at C No one 1 Eng 2448 has right over opposing trains on No two 2 (or eastward) track C to F" when could No. 1 proceed?

Form S-429. Q. How must trains receiving an order reading "No one 1 (or westward) track will be used as single track between F and G from one 1 P M to three 3 P M" be governed?

Form S-430. Q. When must trains running against the current of traffic on the track named be clear of it?

Form S-431. Q. If an extra running under a time-table rule on double track without orders should find upon arrival at a station an order stating that a designated section of double track would be used as a single track between specified stations, would the extra require running orders over that section of track?

432. Q. Form A—outline its uses.

(Note to examiner: Explain to those interested the proper placing of an X across each unused lettered part of this form. The X should be made in such a manner that one portion of it should cross the letter contained in the parenthesis and with the exception of lettered part (A) the X should extend from one divisional line to the other. For lettered part (A) the X should be made with one of its lines intersecting that letter and the other crossing it within the open space between lines 1 and 2 thereof.)

DEFINITIONS.

433. Q. What is a block?

434. Q. What is a block station?

435. Q. What is a block signal?

436. Q. What is a home block signal?

437. Q. What is a distant block signal?

438. Q. What is an advance block signal?

439. Q. What is a block system?

440. Q. What is a manual block system?

441. Q. What is a controlled manual block system?

442. Q. What is an automatic block system?

MANUAL BLOCK SYSTEM RULES.

44. Q. Of what does a manual block system consist, and how operated?

444. Q. Where the semaphore is used, on which side of the signal mast, as seen from an approaching train, is the governing arm displayed?

301-445. Q. Describe the signal, occasion for use, indication and name in reference to display of home and advance block signals, according to rule 301.

301(A)-446. Q. At block signal stations where sidings are in advance of the block signal what must signalmen deliver?

301(A)-447. Q. How are intermediate closed block sidings, or nontelegraph sidings, considered?

302-448. Q. What do block signals control?

302-449. Q. Do they supersede the superiority of trains?

302-450. Q. Do they dispense with the use of or observance of other signals?

303-451. Q. When a block station is open at an irregular hour must trains be notified? If so, how?

303-452. Q. What is required when a train is approaching a block station opened at an irregular hour?

304-453. Q. When necessary to back out of a siding after the opposing train has departed, what rules must the signalman observe, and what must he issue in connection with this movement?

305-454. Q. After a train has backed out of a siding, how shall it be governed in its forward movement on the main track?

306-455. Q. When may a train on a siding be reported as having arrived?

307-456. Q. When a signalman has orders for a train, may the signal be changed for any other train?

307-457. Q. Do such instructions affect the block-signal rules?

308-458. Q. When a block station is made a meeting point for trains, to whom must a copy of the meeting order be sent?

308-459. Q. When a meeting point is at a nontelegraph station, to whom must a copy of the order be sent, and what must the signalman do in connection therewith?

SIGNALMEN.

311-460. Q. What is the normal indication of home and advance block signals?

311-461. Q. What is the normal indication of distant block signals?

312-462. Q. How must signals be operated?

312-463. Q. If a signal fails to work properly, what must be done?

313-464. Q. What must signalmen observe as to the correspondence of indications with lever positions?

314-465. Q. May signalmen permit unauthorized repairs, alterations, or additions to the apparatus?

315-466. Q. What record must be kept at each block station?

316-467. Q. What is used for communications between block offices, arranging for the movement of trains in the block?

316-468. Q. What is the definition of code signal 1?

316-469. Q. What is the definition of code signal 13?

316-470. Q. What is the definition of code signal 17?

316-471. Q. What is the definition of code signal 2?

316-472. Q. What is the definition of code signal 3?

316-473. Q. What is the definition of code signal 36?

316-474. Q. What is the definition of code signal 4?

316-475. Q. What is the definition of code signal 46?

316-476. Q. What is the definition of code signal 5?

316-477. Q. What is the definition of code signal 56?

316-478. Q. What is the definition of code signal 7?

316-479. Q. What is the definition of code signal 8?

316-480. Q. What is the definition of code signal 10?

316-481. Q. What is the definition of code signal S D?

316-482. Q. What is the definition of code signal O S?

316-483. Q. What is the definition of code signal G S?

316-484. Q. What is the definition of code signal N S?

316-485. Q. What is the definition of code signal W S?

317-486. Q. May a train be admitted to a block that is occupied by an opposing train or by a passenger train?

317-487. Q. May a train other than a passenger train be permitted to follow a train other than a passenger train into a block? If so, how?

317(B)-488. Q. For absolute block for opposing or following movements on the same track, what must the signalman do?

317(B)-489. Q. What will the signalman receiving this signal do?

317(B)-490. Q. What must the signalman at the entrance of the block then do?

317(B)-491. Q. For permissive block for following movements on the same track, what must the signalman do?

317(B)-492. Q. What must the signalman, receiving this signal, if there is no passenger train in the block, do?

317(B)-493. Q. What must the signalman at the entrance of the block then do?

318(B)-494. Q. For permissive block for following movements on double track, what must the signalman do?

318(B)-495. Q. What must the signalman receiving this signal, if the block is clear, do?

318(B)-496. Q. If the block is not clear, what must he do?

318(B)-497. Q. What must the signalman at the entrance of the block then display?

318(C)-498. Q. With what must the information given by the next block station in advance agree?

318(C)-499. Q. How must signalman receiving information of trains entering or clearing a block acknowledge receipt of same?

318(C)-500. Q. With this, what information must also be transmitted?

319-501. Q. When a train enters a block, what must the signalman give to the next block station in advance?

319-502. Q. When the train has passed the home block signal and the signalman has seen the markers, what signal must he display?

319-503. Q. When the rear of the train has passed 200 feet beyond the home signal, what must the signalman do?

320-504. Q. When may signalmen ask for the block?

321-505. Q. What must signalmen observe in reference to all passing trains?

322-506. Q. Should a train pass a block station showing conditions endangering the train, or a train on another track, what must the signalman do?

323-507. Q. Should a train without markers pass a block station, what must the signalman do?

324-508. Q. Should a train in two or more parts pass a block station, what must the signalman do?

324-509. Q. What must the signalman receiving this notice do?

324-510. Q. Must the stop signal be displayed to the engineer of the parted train if the train can be admitted to the block in advance under block-signal rules?

324-511. Q. Should a train in either direction be stopped from this cause, when may it be permitted to proceed?

325-512. Q. When a signalman is informed of any obstruction in a block, what must he immediately do?

325-513. Q. What must each signalman at the end of the block display?

325-514. Q. When may they permit any train to proceed?

326-515. Q. When a train takes a siding, what must the signalman know before giving "2," or displaying clear signal?

326-516. Q. What must he do before permitting a train on a siding to reenter the block?

326(A)-517. Q. When a train takes a siding, under what conditions may it again enter the block?

326(A)-518. Q. If the outlet switch is operated from an interlocking plant, may trains proceed under signal indication without Form A?

327-519. Q. To permit a train to cross over or return, unless otherwise provided, what must the signalman do?

327-520. Q. After a train has been given permission to cross over or return, how may other trains be admitted in the direction of the cross-over switches?

328-521. Q. When coupled trains have been separated, how must the signalman regard each portion?

329-522. Q. If necessary to stop a train for which a clear or caution home or advance block signal has been accepted, what must the signalman do?

330-523. Q. When a signalman has orders for a train, what must he display and how be governed?

331-524. Q. If from failure of apparatus block signals can not be changed from normal indication and information is had that the block in advance is clear, how may the signalman admit a train to that block?

- 331-525. Q. How may he admit a train other than a passenger train to a block that is occupied by a train other than an opposing or passenger train?
- 332-526. Q. If from any cause the signalman can not communicate with the next block station in advance, what must he do?
- 332-527. Q. Should no cause for detaining the train be known, may the train be permitted to proceed; and if so, how?
- 333-528. Q. What appliances for hand signaling must be ready for immediate use?
- 333-529. Q. When may signalmen use hand signals?
- 333-530. Q. When hand signals are necessary, how must they be given?
- 334-531. Q. Who is responsible for the care of the block-station apparatus and supplies?
- 335-532. Q. How must lights within block stations be placed?
- 336-533. Q. When must lights on all block signals be used?
- 337-534. Q. If a train overruns a stop signal, what must the signalman do?
- 337-535. Q. Before the train is allowed to proceed, what must the conductor receive from the signalman?
- 338-536. Q. If a stop signal is disregarded, to whom must it be reported?
- 339-537. Q. To open a block signal what is required of the signalman?
- 339-538. Q. When trains which were in the extended block when the block station was opened, and which had passed his block station before it was opened, clear the block in advance, what must the signalman do?
- 340-539. Q. On whose authority may a block station be closed?
- 341-540. Q. What is required before a block station may be closed?
- 341-541. Q. In closing a block station, what must the signalman give to and receive from the next block station in each direction, and what record must he make of their response?
- 341-542. Q. In what position must he secure the block signals?
- 341-543. Q. What must he do with the lights and the block wires?
- 342-544. Q. When a block station is open at an irregular hour, what signals must the signalman use in addition to the block signals, and what special precautions must he take?
- 343-545. Q. Are unauthorized persons permitted to enter a block station?
- 344-546. Q. At block stations where the signalman is also agent and required to attend trains making a regular stop, or when trains stop at stations for water, freight, or to take or leave cars, may the normal position of the signal be changed?
- 344-547. Q. On single track may trains be allowed to pass the stop signal at stations for water, freight, or to take or leave cars unless the signalman has obtained control of the block which they enter?
- 344-548. Q. Under such circumstances, what must the signalman have ready and deliver to the conductor and engineer?
- 345-549. Q. At starting and junction points, when may a clear signal be given to trains to enter upon the main track or to cross over?
- 345-550. Q. Where such movements occur in locations protected by block-signal stations, how will the signalman arrange for protection?
- 346-551. Q. What must the signalman frequently observe in reference to the block signals?
- 347-552. Q. What must signalmen observe in reference to classification signals carried by trains and how report the same?
- 348-553. Q. What is required when special rules for the spacing of trains is at variance with rule 317?

LOCOMOTIVE ENGINEERS AND TRAINMEN.

- 361-554. Q. To what trains do block signals for a track apply?
- 361(A)-555. Q. When trains are running against the current of traffic, what must they get at each block station authorizing them to proceed?
- 362-556. Q. When may a train pass a "stop" signal at a block station?
- 364-557. Q. When two or more trains have been coupled and so run past any block station, where only must they be uncoupled?
- 365-558. Q. When a train takes a siding, when may it reenter the block?
- 366-559. Q. When it is necessary for a train to cross over, and before crossing or returning, what must the conductor do?
- 367-560. Q. May locomotive engineers or trainmen proceed on hand signal as against block signals?

368-561. Q. What whistle signal must the engineer of a parted train sound when approaching a block station?

360-562. Q. What answer must a locomotive engineer give upon receiving a train-parted signal from a signalman?

370-563. Q. When a parted train has been recoupled, who must be notified?

371-564. Q. If there is an obstruction between block stations, to whom must notice be given?

372-565. Q. If a train is held by a block signal, who must ascertain the cause and when?

373-566. Q. Who must report any unusual detention at block stations, and to whom?

374-567. Q. When must a block station be considered closed?

375-568. Q. When a block station is open at an irregular hour, what indications will be given to trains in addition to the block signals?

376-569. Q. May a train which has overrun a stop signal be backed? What must the signalman and conductor do before the train proceeds?

377-570. Q. Where a signalman is absent from a block station, or incapacitated, how must trains be governed?

378-571. Q. Between sunset and sunrise, what are conductors and locomotive engineers to observe in reference to the absence of signal lights at block or train order telegraph stations?

379-572. Q. What time must yard engines clear the time of passenger trains?

379-573. Q. Whom must the conductor of the yard engine notify when it is clear of the main tracks?

379-574. Q. When may the main track again be occupied by the yard engine?

379-575. Q. When must a yard engine not enter a block?

CONTROLLED MANUAL BLOCK SYSTEM RULES.

576. Q. How are the rules governing the controlled manual block system made effective?

577. Q. What rules govern the use of controlled manual block?

578. Q. Where the semaphore is used, on which side of the signal mast, as seen from an approaching train, is the governing arm displayed?

417(B)-579. Q. Describe the method of providing for absolute block for opposing and permissive block for following movements on the same track under controlled manual block system?

418(B)-580. Q. Describe the method of providing for permissive block for following movements on double track, under controlled manual block system.

420-581. Q. When may a signalman ask for the block?

420-582. Q. When may a signalman unlock the next block station in the rear?

423-583. Q. Should a train without markers pass a block station, what are the signalman's duties in connection therewith?

AUTOMATIC BLOCK SYSTEM RULES.

584. Q. How are the rules governing automatic block system made effective?

501-585. Q. Where the semaphore is used, on which side of the mast, as seen from an approaching train, is the governing arm displayed?

501-586. Q. What position of the signal arm indicates stop?

501-587. Q. What position of the signal arm indicates caution?

501-588. Q. What position of the signal arm indicates proceed?

501-589. Q. How is stop indicated by night?

501-590. Q. How is caution indicated by night?

501-591. Q. How is proceed indicated by night?

501-592. Q. Explain the significance of disks of different colors when used in connection with automatic block system.

502-593. Q. Do automatic block signals supersede superiority of trains or dispense with the use or observance of other signals?

503-594. Q. Do automatic block signals apply to trains running against the current of traffic?

504-595. Q. When a train is stopped by an automatic block signal how may it proceed, if the signal is not immediately cleared?

504-596. Q. When a train is stopped by an automatic block signal at a single-track tunnel, how may it proceed?

505-597. Q. What is required when a block signal is out of service?

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505-508. Q. How must trains finding an automatic block signal out of service be governed, unless otherwise directed?

506-509. Q. When a train is stopped by an automatic block signal which is evidently out of order and not so indicated, what must be done?

507-600. Q. When must lights on all block signals be used?

508-601. Q. What must be examined before using a switch in or leading to main track in automatic block territory?

508-602. Q. If an indicator displays "stop" in automatic block territory, how may the switch be used?

508-603. Q. How must trains entering a block from sidings or other main tracks between block signals, while the indicator displays stop, be governed?

509-604. Q. In automatic territory where sidings are equipped with derailing switches, where must cars be placed?

509-605. Q. Where derailing switches are not provided, where must the cars be placed?

510-606. Q. When may attempt be made to open electrically locked switches?

607. Q. In using a crossover equipped at both ends with indicators, by which indicator should those using the crossover be governed? What must the indication be?

INTERLOCKING RULES.

Definitions.

608. Q. What is interlocking?

609. Q. What is an interlocking plant?

610. Q. What is an interlocking station?

611. Q. What are interlocking signals?

612. Q. What is a home signal?

613. Q. What is a distant signal?

614. Q. What is an advance signal?

615. Q. What is a dwarf interlocking signal?

INTERLOCKING RULES.

601-616. Q. At an interlocking plant what is the character of signals used and what do the indications convey for both home and distant signals?

601-617. Q. Where the semaphore is used, on which side of the signal must as seen from an approaching train is the governing arm displayed, and how are the indications given.

602-618. Q. Do interlocking signals supersede the superiority of trains and dispense with the observance of other signals as may be required?

SIGNALMEN.

611-619. Q. Give the normal indication of signals.

612-620. Q. By whom must the levers or other operating appliances be used?

613-621. Q. In what position must the signal levers be kept, except when signals are to be cleared for an immediate train or engine movement?

614-622. Q. If the route is clear, when must the signals be cleared?

615-623. Q. When should they be restored to display normal indication?

616-624. Q. If necessary to change any route for which signals have been cleared, how must the signalman be governed?

617-625. Q. May a switch or facing point lock be moved when any portion of a train or engine is standing on or closely approaching the switch or detector bar?

617-626. Q. May signals be taken away from a train at any time?

618-627. Q. How must levers be operated?

618-628. Q. If any irregularity indicating disarranged connections is detected, what must be done?

618-629. Q. Who are responsible for damage occasioned by rough handling?

618(A)-630. Q. Must signals be observed frequently during the night, and why?

619-631. Q. During cold weather how often must the levers be moved?

620-632. Q. If a signal fails to work properly, what must be done?

621-633. Q. What must signalmen observe in reference to indication of signals in relation to levers?

622-634. Q. May signalmen make or permit unauthorized repairs or alterations?

623-635. Q. What must the signals display if derailment, or a switch is run through, or damage occurs to the interlocking plant?

624-636. Q. What must be done if a switch is disconnected from the interlocking apparatus?

625-637. Q. What must be done in reference to special care during storms or while snow is drifting?

626-638. Q. May signals be displayed for any movement when switches affecting the movement are undergoing repairs?

627-639. Q. What must signalmen observe about all passing trains?

628-640. Q. If a signalman has information that an approaching train has parted, what must he, if possible, do?

629(A)-641. Q. What appliances ready for immediate use must the signalman have?

629(A)-642. Q. When may signalmen use hand signals?

629(A)-643. Q. When necessary to use hand signals, from what point and in what way must they be given?

629(B)-644. Q. If from failure of automatic block signal apparatus at an interlocking station where home and advance block signals are also used as automatic block signals, the signals can not be changed from the normal indication, how may the signalman admit a train to the block?

630-645. Q. Who must be notified if necessary to discontinue an interlocking signal and use hand signals instead?

631-646. Q. Who are responsible for the care of the interlocking station, lamps, supplies, and interlocking plant, unless otherwise provided for?

632-647. Q. How must lights be placed in interlocking stations?

633-648. Q. When must lights be used upon all interlocking signals?

634-649. Q. If a train or engine overruns a stop signal, what must be done by the signalman?

635-650. Q. May signalmen permit unauthorized persons to enter the interlocking station?

636-651. Q. What must the signalman do if defects are found in the interlocking machine?

637-652. Q. What must be done if during the day a signal arm breaks off?

638-653. Q. What must be done at night if colored glasses are broken?

638-654. Q. When glasses are broken, may signals be changed from the normal position until repairs have been made?

639-655. Q. Where interlocking rules permit hand signals to be used, what color flag or light should be used?

LOCOMOTIVE ENGINEERS AND TRAINMEN.

661-656. Q. When the signal at an interlocking plant indicates stop, to what point may trains or engines be run?

662-657. Q. If an interlocking clear or caution signal, after being accepted, is changed to a stop signal before it is reached, what must be done?

663-658. Q. May locomotive engineers and trainmen proceed on hand signals as against interlocking signals?

663-659. Q. May trainmen give proceed hand signals which conflict with interlocking signals?

664-660. Q. What whistle signal must a locomotive engineer of a parted train sound on approaching an interlocking plant?

665-661. Q. If a locomotive engineer receives a train-parted signal from a signalman, how must it be answered?

666-662. Q. Who must be notified when a parted train has been recompled?

667-663. Q. May sand be used over movable parts of an interlocking plant?

668-664. Q. If unusually detained at an interlocking plant, what must conductors do?

669-665. Q. When trains or engines making a movement through an interlocking plant are stopped by a signalman, when may they again move?

REPAIR MEN.

681-666. Q. For what are repair men responsible at interlocking plants assigned to their care?

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682-667. Q. When the condition of switches of track does not admit of the proper operation or maintenance of the interlocking plant, to whom must the fact be reported?

683-668. Q. When any part of an interlocking plant is to be repaired, what understanding must first be had with the signalman, and why?

684-669. Q. If necessary to disconnect any switch, what is required?

685-670. Q. What is necessary before alterations or additions to an interlocking plant may be made?

686-671. Q. Must repair men when on duty, or subject to call, respond promptly when called, and who must they keep advised as to their location?

MOVEMENT OF TRAINS BY TELEPHONE.

701-672. Q. What rules and regulations govern the movement of trains by telephone?

702-673. Q. Describe the method of procedure in transmitting or repeating a train order by telephone?

(Note to examiner: The party being examined should explain his understanding of rule 702.)

703-674. Q. Describe how a "31" train order is relayed by telephone?

703-675. Q. After the parties addressed at the point of destination have signed the order, what must be done?

704-676. Q. How must a "19" train order be relayed?

704-677. Q. When a train order is to be copied by one of a train crew, how must the train dispatcher be governed?

705-678. Q. What must be done with a copy of every completed, telephoned train order at the point received?

706-679. Q. May train-order blanks and Form A used at nontelegraph stations be printed upon paper with carbonized back?

707-680. Q. When a train enters a siding in a block, and is clear of the main track, how must it be reported to the signalman?

707-681. Q. What record must be made of this at the block station?

707-682. Q. When this report is received, how will the signalman be governed?

708-683. Q. How may a train proceed after reaching a block station and entering a siding?

708-684. Q. How may a signalman arrange for its further movement?

709-685. Q. When a train reaches a block station and enters a siding for the purpose of meeting an opposing train, or allowing a train to pass in the same direction, how shall the signalman be governed?

710-686. Q. What must the conductor do with his copy of each fulfilled train order received by telephone at a nontelegraph siding?

GENERAL REGULATIONS FOR EMPLOYEES.

Passenger conductors.

803-687. Q. To whom will the passenger conductor report?

803-688. Q. Whose orders must he obey, and to what instructions must he conform?

803-689. Q. When must he report for duty and what is required of him before his train starts?

803-690. Q. What is his duty relative to the movement, safety, and proper care of his train, and for the vigilance and conduct of the men employed thereon and in reporting any misconduct or neglect?

803-691. Q. What is his duty relative to transportation of passengers?

803-692. Q. What is his duty relative to the comfort and wants of passengers?

803-693. Q. What is his duty relative to passengers riding on platforms or in baggage, express, or mail cars, or violating, in any respect, the regulations provided for their safety?

803-694. Q. What is his duty relative to maintaining good order and to drunken and disorderly persons?

Passenger brakemen.

804-695. Q. To whom will the passenger brakeman report?

804-696. Q. Whose orders must he obey, and under whose direction is he while on duty?

804-697. Q. When must he report for duty, and what is required of him before his train starts?

804-698. Q. What is his duty relative to wants of passengers and when passing through sleeping cars?

804-699. Q. What is his duty relative to each station stop?

804-700. Q. What is his duty relative to the brakes, train signals, and lighting, heating, and ventilation of the cars?

804-701. Q. What is his duty relative to assisting the conductor in the proper disposition of passengers and in preserving order?

804-702. Q. What is his duty in the protection of the train?

804-703. Q. When more than one brakeman is used on a train, which brakeman must perform this duty?

804-704. Q. Is the front brakeman required in like manner to protect the front of the train when the fireman can not leave the engine?

804-705. Q. What position must the brakeman occupy on the train?

Baggage men.

805-706. Q. To whom will the baggageman report?

805-707. Q. Whose orders must he obey and to what instructions must he conform?

805-708. Q. While on duty under whose direction is he?

805-709. Q. When must he report for duty, and what is required of him concerning passengers?

805-710. Q. Where shall he remain while on duty?

805-711. Q. What is his duty relative to baggage and U. S. mail?

805-712. Q. What is his duty relative to letters and packages forwarded on railroad business or addressed to officers or agents and to light and heat in baggage cars?

805-713. Q. What is his duty relative to loss, damage, or irregularity in handling baggage, U. S. mail, letters, and packages?

805-714. Q. Should he carry letters, packages, money, or other valuables not authorized by the regulations?

805-715. Q. What is his duty relative to permitting any one to ride in the baggage car?

Freight conductors.

807-716. Q. To whom will the freight conductor report?

807-717. Q. Whose orders must he obey?

807-718. Q. When must he report for duty, and what is required of him before his train starts, and upon the road?

807-719. Q. What is required before moving cars from stations?

807-720. Q. What is required before moving cars from stations?

807-721. Q. When necessary to move cars on station or loading tracks, or to place cars thereon, who must be notified?

807-722. Q. Do you understand that you are responsible to see that cars left on sidings must be placed inside the derail switches and properly secured by applying hand brakes?

Freight brakemen.

808-723. Q. To whom will the freight brakeman report?

808-724. Q. Whose orders must he obey, and under whose direction is he while on duty?

808-725. Q. When must he report for duty, and what is required of him in reference to making up his train?

808-726. Q. What is his duty relative to the brakes, train signals, assisting the conductor in loading or unloading freight, inspecting cars, and in all things requisite for the safe and prompt movement of the train?

808-727. Q. What position must he occupy on the train?

808-728. Q. Where is the post of the rear brakeman (or flagman)?

808-729. Q. What is his duty in the protection of the train?

808-730. Q. Is the front brakeman required in like manner to protect the front of the train when the fireman can not leave the engine?

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808-731. Q. Is an assisting engine on the rear of the train a part of the train, and must the flagman be governed accordingly?

Switch tenders.

809-732. Q. To whom will the switch tender report?

809-733. Q. Who will he report to and under whose direction is he, in yards?

809-734. Q. What is his duty relative to the switches under his charge?

809-735. Q. In what position must he keep the switches secured, and what is his duty relative to approaching trains?

809-736. Q. When day and night switch tenders are employed, what are their duties relative to not leaving their posts?

Levermen.

810-737. Q. To whom does the leverman report?

810-738. Q. Whose direction is he under, in yards?

810-739. Q. To whose instructions must he conform?

810-740. Q. What is the duty of the lever man?

810-741. Q. What are his duties in reference to the condition of switches?

810-742. Q. In what position must he keep the switches secured, and what is his duty relative to approaching trains?

810-743. Q. Where day and night lever men are employed, what are their duties relative to not leaving their post?

Telegraph operators.

815-744. Q. To whom does the telegraph operator report?

815-745. Q. Under whose direction is an operator at a station?

815-746. Q. When is the operator required to be on duty?

815-747. Q. Where day and night operators are employed, how must they be governed in reference to being relieved by each other.

815-748. Q. May he leave his office when a train is at his station?

815-749. Q. What record must each operator keep at his office?

815-750. Q. To what must he give particular attention?

815-751. Q. In transmitting, receiving, and delivering train orders, to what must he conform?

815-752. Q. What must he keep in good order and ready for immediate use?

815-753. Q. What must he observe in reference to the rear of trains?

815-754. Q. When orders are sent for delivery to trains at a meeting point, what must he do?

815-755. Q. What must he do in intercourse with persons transacting business with his office?

815-756. Q. May he leave his office in charge of another operator without permission or permit others to frequent his office?

815-757. Q. May he receive messages to be transmitted free? If so, how?

815-758. Q. What must he do in reference to messages sent, and delivery of those received?

815-759. Q. How are all messages to be considered?

815-760. Q. How must he transact commercial business of the telegraph company?

815-761. Q. Should the telegraph line fall for an unusual length of time, what are his duties in connection therewith?

815-762. Q. What circuit controlling signal will be used for general officers?

815-763. Q. What should he do with messages filed which may be sent by train mail without detriment to the company's interest?

Locomotive engineers.

818-764. Q. To whom will the locomotive engineer report?

818-765. Q. Whose orders must he obey?

818-766. Q. Whose direction is he under when at the engine house?

818-767. Q. When must he report for duty, and what is required of him before his train starts?

818-768. Q. What is his duty relative to keeping lookout on the track and in regard to signals?

818-769. Q. What is his duty relative to the protection of the front of the train?

818-770. Q. What is his duty relative to using precaution against fire and cleaning ash pan or front end?

818-771. Q. What is his duty relative to reporting the condition of the engine and making repairs?

818-772. Q. What is his duty relative to calling the indication of fixed signals to his fireman?

818-773. Q. Who shall be permitted to ride on the engine?

818-774. Q. What is his duty relative to not leaving the engine during a trip?

818-775. Q. When a train requires protection, what must the locomotive engineer do to so indicate?

818-776. Q. What are his duties in reference to economy in the use of fuel and supplies?

Firemen.

819-777. Q. To whom will the fireman report?

819-778. Q. Whose orders must he obey?

819-779. Q. When must he report for duty, and what is required of him before his train starts?

819-780. Q. What is his duty relative to keeping a lookout for signals and obstructions?

819-781. Q. What is his duty relative to taking charge of engine during the absence of the engineer and assisting in making repairs?

819-782. Q. What is his duty relative to running an engine in the absence of the engineer?

819-783. Q. What is his duty relative to the rules that apply to the protection of trains and the use of signals?

819-784. Q. What is his duty relative to protecting the front of the train?

819-785. Q. What is his duty relative to calling the indication of fixed signals to the engineer?

Track foremen.

827-786. Q. To whom will the track foreman report?

827-787. Q. What is his duty relative to the repairs on his section and for the safety of the track, bridges, and culverts thereon?

827-788. Q. What is required of the track foreman in regard to the condition of the track?

827-789. Q. Must he engage in work personally?

827-790. Q. What is required of the track foreman in regard to watchmen and other workmen under his charge?

827-791. Q. What is required in regard to a watch and comparing time?

827-792. Q. Must he have a copy of the time-table?

827-793. Q. What is required in regard to observing signals displayed by trains?

827-794. Q. What is required at points where obstructions are likely to occur; and where combustible material may be in the vicinity of the track, bridges, or buildings?

827-795. Q. What is required in regard to fires along the railroad; the telegraph, telephone and signal lines, poles and wires and water stations?

827-796. Q. What is required in regard to fences, encroachment on the right of way, rendering assistance in cases of accident or delay to trains, gathering up old material and keeping his section in good condition?

827-797. Q. What is required in regard to not placing anything where it will endanger trains or employees?

827-798. Q. What is required in regard to force sufficient to watch the railroad during heavy storms?

827-799. Q. From whom must permission be obtained before renewing rails, frogs, or switches in main track, except in emergency?

827-800. Q. What must work that interferes with the safe passage of trains at full speed be considered?

827-801. Q. What must be done before such work is attempted?

827-802. Q. In making repairs or otherwise obstructing the track, what protection must be given?

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827-803. Q. How must track foreman be governed in using hand or push cars?

827-804. Q. To whom must he report all failures of locomotive engineers to properly acknowledge his signals?

827-805. Q. What is required when running his hand car?

827-806. Q. What is required when push cars are used?

827-807. Q. When hand or push cars are not in use, what precaution must be taken?

827-808. Q. How must hand or push cars be run, and under what conditions?

827-809. Q. What is required in regard to his switch key and the opening and closing of switches?

827-810. Q. What precautions must he take to avoid injury to his men and others?

Track and bridge watchmen.

828-811. Q. To whom will the track and bridge watchmen report, and from whom receive instructions?

828-812. Q. What are the duties of the track watchman?

828-813. Q. Should an obstruction to the track occur, what is required?

828-814. Q. What is required of the night watchman before going off duty?

828-815. Q. What are the duties of the bridge watchman?

828-816. Q. Must the watchman observe the speed of passing trains and report any violation of the rules?

828-817. Q. When his time is not wholly occupied with watching, to what other duties will he attend?

Crossing watchmen.

830-818. Q. To whom will the crossing watchman report, and from whom receive his instructions?

830-819. Q. What is required at the crossing when trains are approaching?

830-820. Q. What must be used at crossings to signal persons in vehicles and pedestrians?

830-821. Q. What kind of signals must he use on the crossing gates?

830-822. Q. What kind of signal must he use only to stop trains?

830-823. Q. Must he keep the watch house clean and not permit unauthorized persons in or about the premises?

830-824. Q. When two or more watchmen are employed during the day or night, what is required?

830-825. Q. When both day and night watchmen are employed, what is required?

ADDITIONAL SAFETY RULES.

900-826. Q. What does the company desire in the use of precaution to prevent injury to employees, and what does it prohibit?

901-827. Q. What warning and precaution must be used by train or yard crews handling engines or cars in yards?

902-828. Q. What precaution must be taken before going between or under engines or cars to make temporary repairs, adjustments, etc., when being coupled or moved?

903-829. Q. What is every employee required and warned to see for himself before using machinery and tools?

904-830. Q. Are employees prohibited from going between moving cars to couple or uncouple them?

904-831. Q. Are employees prohibited from running ahead of moving cars to open or close angle cock or for any other purpose?

904-832. Q. Are employees prohibited from kicking coupler with foot or adjusting with hand while cars are in motion or about to be coupled?

904-833. Q. Are employees prohibited from jumping on or off engine or cars moving at high speed?

904-834. Q. Are employees prohibited from riding on pilot of engine in forward motion?

904-835. Q. Are employees prohibited from making running switches with occupied caboose cars?

904-836. Q. Are employees prohibited from walking on track except in actual performance of duties making it necessary, and when necessary to use the right of way from one point to another, what path must be used when available?

905-837. Q. What precaution should employees take to prevent injury from approaching trains?

906-838. Q. In pushing cars ahead of an engine, or when trains have been cut for a road crossing, what precaution must be taken?

907-839. Q. If a second stop is necessary where water is taken, may the train be moved before the proper signal is given by the engine whistle?

907-840. Q. May a train be started while passengers are getting on or off?

908-841. Q. When should vestibule and trap doors be opened and closed?

908-842. Q. What precaution must be taken when discharging passengers from coaches not vestibuled?

ADDITIONAL QUESTIONS.

843. Q. -----

844. Q. -----

845. Q. -----

This will certify that I have on the date above mentioned been examined, understand clearly, and have answered the questions in accordance with the record herein shown.

EXHIBIT No. 11—Form 723M.

This is the certificate of promotions which is signed by the immediate superior and division superintendent.

A copy of this form is retained on the division, a copy furnished to the man promoted, and a copy is sent to the employment bureau for record.

EXHIBIT No. 11.

The Baltimore & Ohio Railroad Co.,----- division,

To -----, 191--
-----, *Superintendent*.

I have examined-----, who has been employed as -----
for ----- years, and find that his knowledge of—

The locomotive and experience in the management thereof.

The work in connection with the proper handling of a ----- train.

Track work and the proper conduct of a section or other M. W. gang.

Train work and the duties of a train dispatcher.

Train work, operation of signals, and the duties of an operator.

Tariffs, classification, routing instructions, accounts, loading instructions,
and the duties of an agent.

With the general character and intelligence, qualify him for the position of—
Locomotive engineman.

----- conductor.

----- foreman.

Train dispatcher.

Operator.

Agent.

(Name and title of officer conducting examination.)

I have examined ----- and find his knowledge of general railroad
work, book of rules, time-tables, etc., is sufficient to qualify him for the position of—

Locomotive engineman.

----- conductor.

----- foreman.

Train dispatcher.

Operator.

Agent.

-----, *Train master*.

Approved:

-----, *Superintendent*.

INSTRUCTIONS.—Erase all duties and titles except for position desired.

1440 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

EXHIBIT No. 15.—FORM 964.

This form is known as a minor's release. It is executed by the applicant's parents or guardian when a minor is employed for what might be considered a hazardous position, and releases the employer from any liability for damage, etc.:

EXHIBIT No. 15.

Whereas the Baltimore and Ohio Railroad Company has agreed to take into its service _____, a minor, subject to discharge at the pleasure of the company, and has agreed with our consent, as shown by our execution of this agreement, to pay him the compensation to be earned for his service, and has been authorized to take from him such receipts and acquittances as the said company may require,

And whereas the said _____, by reason of such employment, will be subjected to great risk of personal injury from neglect of other employees, agents, and officers of the company, and from defects of machinery and other causes,

And whereas the undersigned have agreed that the said minor may be required by the company to engage in any work in any of the departments of the company to which he may be assigned, including work at all machines and on the trains and right of way of the company,

And whereas in the event of injuries to the said _____, whether resulting fatally or otherwise, the said _____, or members of his family, might make claim for damages against said company:

Now, in order to release the said company from all claim or liability for damages, for injuries of any and all kinds, from any cause whatsoever, _____, the father, and _____, the mother, in their several and individual capacities, and acting as guardians for the said _____, and the said _____ himself, in consideration of the employment by the said railroad company of the said _____, in the service of the said company, and in consideration of the sum of one dollar now in hand paid by the said company, do hereby release and forever discharge the Baltimore and Ohio Railroad Company from all claims for damages, and do also further agree to release company from all claim and liability for damages arising out of any injury or injuries to the said _____ resulting from the character of his employment, from the negligence of other employees, or agents or officers of the said company, from defects of machinery, or any other cause or causes whatsoever, whilst a minor and whilst in the service of the said company in any capacity whatsoever,

Witness our hands and seals this ____ day of _____, 191__.

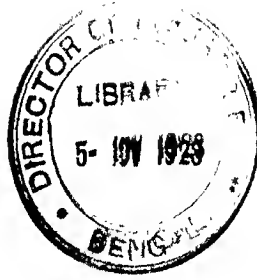
[SEAL]

[SEAL]

Witness:

SEARS EXHIBIT.

Superintendent Walter L. Sears, of the State free employment office at Boston, states that "It may be interesting to educators and parents, especially at this time of year, to learn that of the 408 boys under 21 years of age who applied for work at our office on Monday (June 22) that 28 expressed a desire to learn a trade, 34 wanted factory work, 117 preferred office work, 153 wanted to run errands, 51 wanted general work of any kind, 12 had no preference, and only 13 wished to become electricians. This would seem to bear out the statement so often made that very few boys have a definite object in mind or have given a thought as to the future. It may be that they have not been properly advised by those responsible for their rearing as to what their future should be in the commercial, industrial, professional, or social world. It is a well-known fact that the commercial field is overcrowded and that competent, reliable, temperate help with a technical training are exceedingly scarce at any price."



THE AMERICAN FEDERATION OF LABOR
THE SOCIALIST PARTY,
AND
THE INDUSTRIAL WORKERS OF THE WORLD

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, Thursday, May 21, 1914—10 a. m.

Present: Chairman Walsh, Commissioners Lennon, Harriman, Garretson, O'Connell, Ballard, and Delano.

Chairman WALSH. The commission will please come to order. Mr. Thompson.

Mr. THOMPSON. Mr. Chairman and members of the commission, in the act creating this commission you are directed by Congress, among other things, to inquire into the existing organizations of labor, and also into their effect on the industrial situation. In obedience to that direction, we have for our public hearings, in the next two days, the subject of the American Federation of Labor, the Socialist Party, and the Industrial Workers of the World. These have been selected as being three representative organizations of labor in this country, and we have thought it was wise to hear them together.

In the hearing of this subject it has been thought best to put on the principal representatives of the representative parties who may state, as we might say, their platform; and as these organizations may cover—and do cover, as we know—a good deal of the same field, to recall these representatives and give them an opportunity to come upon the reasons for their existence which may call for some comments on the part of the other parties. It is the desire, as I understand, of this commission to permit these witnesses this opportunity. For that reason, Mr. Chairman, I would like to call Mr. Gompers for a statement of the principles and purpose of the American Federation of Labor.

STATEMENT OF MR. SAMUEL GOMPERS.

Mr. GOMPERS. Mr. Chairman and gentlemen of the commission, I do not know—I have not heard the entire statement from Mr. Thompson as to the procedure contemplated in the special investigation that is about to be undertaken. I have seen statements published in the paper, in the public press, as to the nature of the investigation about to be undertaken; and if there be any proper inferences to be drawn from those statements, it seems to be that it is to be made the subject for analysis and for dissection. So far as I am concerned, as the president of the American Federation of Labor, I have no hesitancy in saying that we welcome—I welcome any attack or criticism or abuse, just as anyone may care to launch it, against the American Federation of Labor; and I shall endeavor then to answer it. I am free to say this, now, that I come in answer to the subpoena of this commission with the intention of playing the game open and fair, and with the cards up upon the table, for anyone to know, but I do not want to have it appear upon the record that I have introduced matters which may seem to be extraneous to the investigation. And yet these same themes are the subject of general discussion among the opponents of the American Federation of Labor, those who do not understand, and those who may understand it and have some peculiar kink in their reasoning powers, and consequently are scarcely responsible for their utterances regarding the American Federation of Labor.

But be they as they may, I think that the existing organizations of the American working people to-day are entitled to know what we are officially called upon to meet; and I think that I should prefer—not only prefer, but I think I have the right to insist—I do not care about appearing contumacious. It is not my desire to be, but rather to be yielding whenever I can. But I feel that it is a matter of right which I owe to the American Federation of Labor, an organization which has been in existence for more than 33 years, to know what the organization has to meet from the criticism or the antagonism of its opponents. As I say, I may not have the right to bring in here matters which, unless they are on the record, would be regarded as extraneous and having been on my part simply thrust in. And I have no hesitancy in believing that the

opponents of the American Federation of Labor will only welcome the opportunity of launching all their attacks and criticisms against us.

Chairman WALSH. I will try to reply to your suggestions, Mr. Gompers. I will state, as Judge Thompson started out to say and stated properly, the program for to-day, morning session, is: Samuel Gompers, statement of purposes and methods of the American Federation of Labor, 10 minutes.

Morris Hillquit, statement of purposes and methods of Socialist Party, 40 minutes.

Vincent St. John, statement of purposes and methods of Industrial Workers of the World, 40 minutes.

Afternoon session; Vincent St. John (recalled), criticism of the other organizations.

Joseph Ertor, extension of Mr. St. John's criticisms on the basis of practical experience.

F. R. C. Gordon, statement on behalf of the American Federation of Labor.

Friday (morning session), Max S. Hayes, statement from the point of view of a prominent member of the Socialist Party, who is also active in the support of the American Federation of Labor.

Joseph W. Sullivan, statement on behalf of the American Federation of Labor.

Afternoon session; Morris Hillquit, Vincent St. John, and Samuel Gompers recalled in rebuttal.

The proposition is this, Mr. Gompers, that—if you haven't already been informed—that there is, of course, a difference of opinion not only among the various organizations that are mentioned here, that are called here, but there is a lack of information on the part of the public as to the aims and purposes of all of these organizations. Now, the commission has attempted to put this in as concise and good a form as they possibly can to develop, in the time they have at their command, a statement as to the aims and purposes of each. You are called on first, as I understand the committee on these public hearings, because you represent this old organization—what might be called the standard organization of labor in this country; and inasmuch as this is the definite organization, the committee thought well to let you make your statement of the aims and purposes, together with these gentlemen, Mr. Sullivan and Mr. Gordon, and to let those who might have criticisms come in between, and then giving you an opportunity of rebuttal. Now, whether that has been wisely or properly laid out, that plan nevertheless is the plan.

Mr. GOMPERS. Mr. Chairman, pardon me, if I may be permitted—you say 40 minutes in the presentation of that for which the American Federation of Labor stands. I have not had any previous notice that I should be required to do that, and it is not an easy matter for a man to attempt offhand to state before an official body the aims and purposes of the American Federation of Labor.

Chairman WALSH. Well, if there is any reason sufficient to you, on account of which you do not desire to be heard, or if the rules laid down by the commission are such as that you do not want to be heard under them, of course we will excuse you, though we do not like to do it, but this is the way we have laid down our plans.

Mr. GOMPERS. That is intended for a curt request for me to retire—

Chairman WALSH. Certainly not.

Mr. GOMPERS (continuing). For my retirement. I will retire.

Chairman WALSH. Why certainly not. If that sounded curt I am very sorry, as it was not so intended. I did not mean to be curt, and I tried to state my proposition in a business-like and concise way, and we would be delighted to have your views.

Mr. GOMPERS. I will submit to the commission's order, whatever it is.

Chairman WALSH. Take the chair, then.

Mr. THOMPSON. I would say, Mr. Chairman, that if it is agreeable to Mr. Gompers, and Mr. St. John and Mr. Morris Hillquit are here, we may hear from them first and give Mr. Gompers the opportunity of collecting his data on that subject.

Chairman WALSH. How is that?

Mr. THOMPSON. Is Mr. Morris Hillquit here, or Vincent St. John here?

Mr. ST. JOHN. Here.

Mr. THOMPSON. I think, Mr. Chairman, under the suggestion of Mr. Gompers, I think it is the wise thing to put Mr. St. John on the stand. I thought Mr. Gompers had a fairly definite idea as to what you were to hear here to-day, and I know from communication with Mr. St. John that he has had, and I know from conference with Mr. Morris Hillquit that he has, a very definite idea.

Chairman WALSH. Now, one moment. Do I gather from what you have said that you would prefer to appear on the stand later, Mr. Gompers, at this hearing? This a matter of first intention. I am not intending to be curt with you, or counsel, or anyone else.

Mr. THOMPSON. I think under Mr. Gompers's statement it might be advisable to have Mr. St. John take the stand at the present time.

Chairman WALSH. Well, is that satisfactory?

Mr. GOMPERS. Yes.

Chairman WALSH. Very good.

TESTIMONY OF MR. VINCENT ST. JOHN.

Mr. THOMPSON. For the purpose of the record, will you kindly give us your name and address?

Mr. ST. JOHN. Vincent St. John, Chicago, Ill.

Mr. THOMPSON. What is your official position?

Mr. ST. JOHN. General secretary and treasurer of the Industrial Workers of the World.

Mr. THOMPSON. How long have you occupied that position?

Mr. ST. JOHN. Since January, 1900.

Mr. THOMPSON. How long have the Industrial Workers of the World been in existence as a definite organization, if you know?

Mr. ST. JOHN. Since July 27, 1905.

Mr. THOMPSON. Previous to your occupation of the position of general secretary and treasurer of the organization, who occupied that position?

Mr. ST. JOHN. William E. Troutman.

Mr. THOMPSON. How long did he occupy that position?

Mr. ST. JOHN. From 1905 to December, 1908.

Mr. THOMPSON. Then he was practically occupying that official position from the beginning of the organization?

Mr. ST. JOHN. Yes.

Mr. THOMPSON. Is that the chief executive and official position of the organization?

Mr. ST. JOHN. Well, that is hard to say. I suppose it is looked on as that and the general organizers.

Mr. THOMPSON. What other office or officers do they have?

Mr. ST. JOHN. General organizers and a general executive board advising them.

Mr. THOMPSON. Who is the general organizer at the present time, do you know?

Mr. ST. JOHN. William D. Haywood.

Mr. THOMPSON. And who are the members of the executive board?

Mr. ST. JOHN. C. H. Edwards, of Louisiana, Alexander, La.; John M. Frost, Seattle, Wash.; J. W. Kelly, St. Louis, Mo.; Ewald Koettgen, Paterson, N. J.; and Frank Little, of Fresno, Cal.

Mr. THOMPSON. What are the powers of the executive board of the organization?

Mr. ST. JOHN. They oversee the affairs of the organization in general and keep track on the secretary and organizers.

Mr. THOMPSON. Do they have any authority to direct the policies, and do they direct the policies of the organization?

Mr. ST. JOHN. They only carry out the policy of the organization as determined at the convention.

Mr. THOMPSON. Then, the creating power or the creating body that gives direction is the convention of the organization?

Mr. ST. JOHN. Yes.

Mr. THOMPSON. How often does the organization hold a convention?

Mr. ST. JOHN. Annually.

Mr. THOMPSON. How are the delegates, if there are such, of course, appointed?

Mr. ST. JOHN. They are elected by local unions and other component bodies of the organization.

Mr. THOMPSON. Delegates is a proper name, is that, for them?

Mr. ST. JOHN. Yes.

Mr. THOMPSON. What method has the organization of deciding upon the credential of the delegate?

Mr. ST. JOHN. The standing of the local union as determined by the books in the general office, and the general office forward official credentials in duplicate

to each local union. They are supposed to be delivered to the delegate elected to be the agent of the local union, with the seal of the local on, certifying to their regular election.

Mr. THOMPSON. You mentioned, Mr. St. John, that there were other bodies appointed delegates to your convention. What other bodies are they?

Mr. St. JOHN. The National Industrial Unions are not represented by delegates from the local unions. The National Industrial Unions are groups of local unions in the same industry that are combined for administrative purposes into a national organization of that industry, and they are represented in that manner in the general convention as the National Industrial Union.

Mr. THOMPSON. How many have you of National Industrial Unions which are associated and affiliated with the Industrial Workers of the World?

Mr. St. JOHN. Two—Marine Transport and Textile.

Mr. THOMPSON. Where are the headquarters of those bodies, and who represents them, if you know?

Mr. St. JOHN. Well, the Marine Transport Workers' organization is located in New York City; secretary and treasurer is C. L. Coleno.

Mr. THOMPSON. Do they deal with the salt-water transportation?

Mr. St. JOHN. Salt-water and all marine transportation.

Mr. THOMPSON. I mean have they any organization; do they deal with traffic on the Great Lakes and rivers?

Mr. St. JOHN. They would if they had any organization on the Lakes.

Mr. THOMPSON. Their charter or their power or jurisdiction extends to that?

Mr. St. JOHN. The jurisdiction covers all water transportation.

Mr. THOMPSON. What is the other?

Mr. St. JOHN. The other is National Union of Textile Workers.

Mr. THOMPSON. National Union of Textile Workers?

Mr. St. JOHN. Headquarters in Boston, Mass.

Mr. THOMPSON. What field does that cover?

Mr. St. JOHN. The textile industry.

Mr. THOMPSON. Does that organization extend all over the country?

Mr. St. JOHN. They have an organization in South Carolina, and the New England district, and the Paterson districts.

Mr. THOMPSON. Is that limited to any particular class of fabrics, or does it include all cloths?

Mr. St. JOHN. Includes the textile--includes all operations of the textile industry.

Mr. THOMPSON. How and in what manner is their relation to the parent body determined?

Mr. St. JOHN. Well, they are affiliated as an integral subdivision of the organization, with jurisdiction over the textile industry.

Mr. THOMPSON. What power has the convention?

Mr. St. JOHN. They have a charter, and they are chartered under the constitution, with jurisdiction specified.

Mr. THOMPSON. What power has the convention over these two affiliated organizations?

Mr. St. JOHN. The same power it has over any other constituent part of the organization.

Mr. THOMPSON. What are the purposes, general scope, and plan of the Industrial Workers of the World? Take your time and make your statement in regard to that.

Mr. St. JOHN. The primary purpose is the organization—to organize the working class on a class basis. That is, to organize and educate the workers with the understanding that the workers of this and every other country constitute a distinct and separate economic class in society, with interests that are distinct and separate from the employing class, as such, in society. That is, the organization divides society to-day into two broad classifications—the employing class on the one hand and the wageworking class on the other. The purpose of the organization is to organize and educate the wageworking class into a knowledge of economic position for the purpose of gaining requisite power in order to advance their interests, defend their interests, and advance them wherever possible, with the ultimate object of placing the control and operation of industries in which workers work into the hands and under the jurisdiction of the organized wageworkers of the country, so that the result of their efforts, the wealth produced by them and by their collective efforts, will accrue to those who are responsible for its creation without having to pay tribute to any employing class over any other parasitical class whatever. It

is proposed to accomplish that by organizing the workers in such a manner that it will be possible for them, through their organization, to control their labor power, their brain and muscular energy that is used from day to day and year to year in the operation of industries, which to-day is a commodity sold on the labor market under the same rules, governed by the same conditions, that any other commodity is sold; and the Industrial Workers of the World propose that the wageworkers organize in such a manner that they will control a sufficient amount of this commodity required to operate the industries so that they will be able to dictate the terms upon which it is used.

I think, for a general statement, that covers the matter, so far as I can go.

Mr. THOMPSON. Is there anything in respect to the plan of your organization, its form, that you have not stated in your answer to the previous question?

Mr. ST. JOHN. Nothing that I can recollect. It is simply a general statement. It might not be clear to the commission or to yourself, but the only way I see to make it clearer is simply by a line of questions.

Mr. THOMPSON. What is the present membership of the Industrial Workers of the World?

Chairman WALSH. Might I interpolate a question there to see if I can not open it up?

How would you apply what you have said in your general statement, if you had the power to do so at once, to the transportation industry; that is, the general transportation industry of the country?

Mr. ST. JOHN. How would we apply it?

Chairman WALSH. Yes, sir.

Mr. ST. JOHN. Well, the transportation industry is subdivided into four component parts, under the scheme of organization, our plan of organization. Marine, steam railroads—

Chairman WALSH. Well, just take steam railroad.

Mr. ST. JOHN. Well, the steam railroad?

Chairman WALSH. Yes.

Mr. ST. JOHN. They would be organized at different points into local unions; that is, division points of the railroad, local unions, or industrial unions of railway employees would be instituted or organized. These local unions would embrace all employees of the railroads entering that particular point in that local union. It would not make any difference what their occupation happened to be, from the section man to the engineer, and men and women engaged as clerks in the office, telegraphers, station agents; it would include every wageworker on the systems of the railroads working out of that point. They would be members of that particular industrial organization; and they would be branched inside of that local industrial union as their experience and their particular requirements of the industry might dictate.

Chairman WALSH. Who would determine that?

Mr. ST. JOHN. They would determine that themselves, the membership.

Chairman WALSH. Individually?

Mr. ST. JOHN. What?

Chairman WALSH. Individually?

Mr. ST. JOHN. No, sir; the local union.

Chairman WALSH. The local union would determine which were the best fitted?

Mr. ST. JOHN. They would determine the branch formation of the local union. They would determine whether it was necessary to have a branch consisting of engineers and firemen or whether one branch would be sufficient to get the required administrative functions by taking in the entire train crew in a branch. That would be determined by the experience of the members of the branch who were actually employed in the industry.

Chairman WALSH. What else have you to say in this game of transportation industry?

Mr. ST. JOHN. The different industrial unions would be brought together, forming a national industrial union of the transportation industry. That would comprise all of the employees of all of the railroad systems in the United States in the National Industrial Union.

Chairman WALSH. Would it include the president?

Mr. ST. JOHN. How?

Chairman WALSH. Would it include the president, superintendents, etc.?

Mr. ST. JOHN. It would include only what is recognized as the wage-working element of the railroad.

Chairman WALSH. It would not include the administrative part?

to each local union. They are supposed to be delivered to the delegate elected to be the agent of the local union, with the seal of the local on, certifying to their regular election.

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is proposed to accomplish that by organizing the workers in such a manner that it will be possible for them, through their organization, to control their labor power, their brain and muscular energy that is used from day to day and year to year in the operation of industries, which to-day is a commodity sold on the labor market under the same rules, governed by the same conditions, that any other commodity is sold; and the Industrial Workers of the World propose that the wageworkers organize in such a manner that they will control a sufficient amount of this commodity required to operate the industries so that they will be able to dictate the terms upon which it is used.

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Chairman WALSH. Who would determine that?

Mr. ST. JOHN. They would determine that themselves, the membership.

Chairman WALSH. Individually?

Mr. ST. JOHN. What?

Chairman WALSH. Individually?

Mr. ST. JOHN. No, sir; the local union.

Chairman WALSH. The local union would determine which were the best fitted?

Mr. ST. JOHN. They would determine the branch formation of the local union. They would determine whether it was necessary to have a branch consisting of engineers and firemen or whether one branch would be sufficient to get the required administrative functions by taking in the entire train crew in a branch. That would be determined by the experience of the members of the branch who were actually employed in the industry.

Chairman WALSH. What else have you to say in this game of transportation industry?

Mr. ST. JOHN. The different industrial unions would be brought together, forming a national industrial union of the transportation industry. That would comprise all of the employees of all of the railroad systems in the United States in the National Industrial Union.

Chairman WALSH. Would it include the president?

Mr. ST. JOHN. How?

Chairman WALSH. Would it include the president, superintendents, etc.?

Mr. ST. JOHN. It would include only what is recognized as the wage-working element of the railroad.

Chairman WALSH. It would not include the administrative part?

Mr. ST. JOHN. It would not include those that were looked upon as the officials of the system at all.

Chairman WALSH. Now, after that union was formed the local unions were formed, and you had this national union, what means would you propose to see that those men get the profit of their own labor? What means would you adopt to see that these men so formed into a union would receive what I believe you said was the product of their toil and not divide it with anyone else?

Mr. ST. JOHN. That would be impossible, so far as the railroad workers themselves were concerned. They could not accomplish that individually; that is, it would be impossible for the employees of the different railroad systems to arrange matters to that extent simply as the employees of the railway system, of the railway industry. The ultimate object of the organization would have to stand until such time as the organization in all of the industries reached the point that gave them the required power to attain that object.

Chairman WALSH. Will you please pick out some industry, for instance, now? We are going to try to put this into operation. Will you pick out some industry that you might indicate to the commission that would be the first one that you would start on, considering the fact that you have made a study of the subject?

Mr. ST. JOHN. I am trying to state that, as far as the organization is concerned, we would not try to put any such plan into operation for a particular industry. The achievement of that ultimate object of the organization will depend upon the existence of an organization in all industries and about the same power.

Chairman WALSH. That would not fit them unless there was an entirely changed industrial system?

Mr. ST. JOHN. Well, that is the purpose of the organization. It is to change the industrial system.

Chairman WALSH. Are you attempting to organize in specific industries? You are, aren't you?

Mr. ST. JOHN. Yes, sir.

Chairman WALSH. Organize the workers?

Mr. ST. JOHN. Yes, sir.

Chairman WALSH. Assume that you completed a perfect organization in the meat-provision industry, which employs, as I understand, a large number of what might be common or unskilled laborers.

Mr. ST. JOHN. Yes, sir.

Chairman WALSH. Suppose, now, you effect a complete organization in the packing industry. What means would you take, if you can give it briefly and generally, the means you would adopt to put into form the general objects of your organization as you have stated them in the record here?

Mr. ST. JOHN. All that we could hope to accomplish with an organization of that kind, if it was confined to one industry alone, would simply be to extend the control of the workers as so organized, so that they would be able to dictate better conditions for themselves, better returns for their labor; and the revenues of an organization so formed would be used in extending the organization to other industries to bring them up to the same standard. So there would be a requisite amount of control exercised not only in one industry alone but in all the industries sufficient to be able to dictate the terms under which those industries would operate; that is, we would have, through the organization, control of a sufficient amount of labor power to prevent the operation of the industries by withdrawing it or to allow it to operate on terms satisfactory to the membership of the organization.

Chairman WALSH. Assuming, Mr. St. John, that you succeed in perfecting such an organization in the leading industries of the Nation, the large employers of labor, what steps would you then take to bring about the conditions that you mentioned in the statement of your general object, to wit, that the workers should have the product of their own labor and not give any proportion or divide it with the parasitical class or with the class of nonworkers?

Mr. ST. JOHN. Well, when that stage arrives the organization will have gradually increased its control over the industries.

Chairman WALSH. How is that?

Mr. ST. JOHN. I say when that stage arrives the organization will have gradually increased its control and domination over industry to such an extent that they will be able to operate the industry and exchange the products through the medium of our own organization.

Chairman WALSH. At what point would you take in what you call the officials or the administrators?

Mr. St. John. Whenever we were strong enough to dominate them and know that they would work for our interest.

Chairman WALSH. Would your plan require a political action?

Mr. St. John. I don't know what you mean by political action.

Chairman WALSH. That is, would it require control of the legislative body of the Nation?

Mr. St. John. No, sir.

Chairman WALSH. Or of the various States, or a change in the organic law of the Nation, or constitutions of the various States?

Mr. St. John. None, whatever.

Chairman WALSH. That is all.

Mr. Thompson. I understand, Mr. St. John, from your answers to the chairman's questions, that what you have stated in reference to the program of your organization in regard to the production and distribution of wealth is a future program. That at present you are concerned with the organization of the workers to better their hours and their working condition and to increase their wages.

Mr. St. John. The organization, in order to represent the interests of the working class, must necessarily have a twofold function. It has to be able to handle the everyday problem of the workers, which is one of shorter hours, better wages, and improved shop conditions, and ultimately the education of the workers, so that they can assume control of industry. The fundamental purpose of the organization is to drill, have the workers drilled, and to educate themselves so that they can control industry; and as a training school or preparation for that task, the everyday struggle of the workers is the first struggle in front of the organization.

Mr. Thompson. Mr. St. John, what is the method of organization you pursue in any given industry, if you have such?

Mr. St. John. The method of organization?

Mr. Thompson. Yes, sir.

Mr. St. John. You mean by that how we build up an organization—start it?

Mr. Thompson. Yes. Do you have any organized? Do you have any distinct plans, different from those of other labor organizations that are commonly understood and known?

Mr. St. John. Well, I think that is the general proposition. All organization work is pretty much the same. The plan the I. W. W. follows is by organizers. For a local union in a given locality it carries on the organization work, through its members, through its membership, educational work, the distribution of leaflets, circulation of the papers of the organization, holding of public meetings in halls and on the streets, in front of factory gates, in fact any method by which the attention of the workers employed can be attracted; either carrying on agitation inside or outside of the factories.

Mr. Thompson. When as a result of such methods as you may use for basing an organization in a given city or factory, how do you present or make your demands to such factory, in reference to any subject which you take up? Do you have a shop organization?

Mr. St. John. We have a shop organization. If the local, if the industry in question has several different establishments in the same locality, the workers in the shops have meetings of their own wherein they take up the questions that they are interested in, with a view to the particular shop that they are working, and their demands or ideas are formulated into demands, and these different shops, branches, elect delegates who receive the report from the meetings of the shop branches; that is, the demands formulated for the different shops, and harmonize the whole. That is, they compile from the different demands a general set of demands, embracing whatever particular demands may apply to each shop or each establishment, either combined into a set of demands covering the entire district or the jurisdiction of that industry, or that industrial charter, or whatever it may be; and they are presented to whoever has the authority to receive them on the part of the employers.

Mr. Thompson. Who in the cases you have mentioned would present such demand on your organization?

Mr. St. John. The committee elected by the different branches of the workers involved.

Mr. Thompson. What, if any, arrangement does your organization countenance with the different factories that you may have an organization in?

Mr. St. John. What arrangement do we countenance?

Mr. THOMPSON. Yes. Do you carry out systems of collective bargaining?

Mr. ST. JOHN. We do not make any agreements for any stated length of time; but, as an example, if there was a—if the effort to gain better conditions resulted in a strike and this strike resulted in a victory for the workers involved, work would be resumed simply upon the representatives of the employer, the qualified representatives of the employer, saying that they agreed to the terms for which the workers were fighting, and a notice posted in the mill to that effect. That is the extent of the effect of any agreement we enter into.

Mr. THOMPSON. Take a case, for instance, where there has been no strike, where your representatives meet with the firm, and an agreement is reached in reference to the several matters in dispute, have your representatives power to agree to any conditions, or hours, or wages for any given length of time, or are they to last for the day only?

Mr. ST. JOHN. They do not agree upon a length of time. They do not have any power to agree to anything of the kind. All they have power to do is to report back to a meeting of the workers involved wherever they report and whatever their report is, and their report is either accepted or rejected. If it is rejected then the practice is simply to require that a notice be posted in the establishment stating that these conditions will govern.

Mr. THOMPSON. Assuming that, as a result of the conference of the representatives of your organization, the firm should agree to the demands of the men, but should attach to that agreement the conditions that such demands should be in existence and be the law between the two for the time of a year, is it the purpose of your organization to countenance or encourage the making of such agreements?

Mr. ST. JOHN. No; on the contrary the organization is emphatically opposed to the entering into of any agreement for any stated length of time.

Mr. THOMPSON. Would the representatives of the workers under your plan of organization have the right to submit such a question to the mass meeting of the workers?

Mr. ST. JOHN. They would not have the right, but if the question was put up to them they would be supposed to do so. They are not judges of what comes before the membership on matters of that kind.

Mr. THOMPSON. Then, suppose they submitted such a plan to the membership at a mass meeting and the membership unanimously voted for it, and such an agreement or arrangement was made on such a vote of the mass meeting, would your international organization or your general organization stand back of such an agreement?

Mr. ST. JOHN. The possibilities are that the acceptance of any such agreement, any time agreement, on the part of any local connected with the I. W. W. would sever their connection. That has been the practice in the past.

Mr. THOMPSON. That is to say that the fundamental policy of your organization is this: That they do not countenance any time agreements, and that the making of time agreement automatically severs the organization making it from your parent body?

Mr. ST. JOHN. That has been the policy in the past; yes, sir.

Mr. THOMPSON. And consequently and naturally you would not encourage the carrying out of such an agreement? That goes without saying.

Mr. ST. JOHN. Certainly not.

Chairman WALSH. Mr. Thompson, inasmuch as the time is drawing to a close, could we shorten it by having him explain the difference in the operations of his organization and that of the American Federation of Labor, for instance?

Mr. THOMPSON. We can take it up that way, Mr. Chairman, but that was not the plan that I had outlined.

Chairman WALSH. I will not call your attention, then, when the 40 minutes are up.

Mr. THOMPSON. When demands are made by your organization on the factory or firm, and they are not acceded to, what are the general plans of your organization for enforcing such plans, if you have any?

Mr. ST. JOHN. Well, we have no general plan, because the circumstances surrounding each particular case is what determines the plan of operation. The general plan might be stated as the withdrawing of the labor power from the establishment in question, or from the industry in question, in that locality, and if necessary from the industry in question throughout the country, in an effort to stop production in that manner. That is generally known as a strike. If circumstances were such as to prevent, such as to indicate that a strike would probably not give the results, would be inopportune, the conditions in the

industry were not favorable, why, different methods would be resorted to; we would try to slow up the production in the factory; turn out poor work; in fact, interfere with the process of production so as to destroy the possible chance for revenue or profit accruing to the owners from that particular industry or mill.

Mr. THOMPSON. Is that what you call sabotage?

Mr. ST. JOHN. That is what it is generally known as; yes, sir.

Mr. THOMPSON. How else do you carry that principle out? Say, when you are out on a strike and not in the mill, how would you carry that same principle out?

Mr. ST. JOHN. If we were out on strike?

Mr. THOMPSON. Yes.

Mr. ST. JOHN. We couldn't very well carry that principle out if we were out on a strike, excepting it would be to interfere with the products turned out in that particular mill, in transportation, or interfere with the raw material going into the mill. We would make an effort, if the organization was in shape, to control an influence sufficient with the isolated plant in question, so that no raw material or anything they use in the manufacture got very far.

Mr. THOMPSON. If, in carrying it out, it is necessary to destroy property, would your organization countenance that?

Mr. ST. JOHN. If the destruction of property would gain the point for the workers involved, that is the only consideration we would give to it. The fact that property was destroyed would not have anything to do with determining whether we adopted the plan or not.

Mr. THOMPSON. Then, the criterion of your action on a strike is whether or not the proposed action will gain the point of the strike?

Mr. ST. JOHN. That is the only one.

Mr. THOMPSON. Would that same reasoning apply to questions of violence against persons?

Mr. ST. JOHN. Certainly.

Chairman WILSON. Please turn this way, Mr. St. John, and speak a little louder; this is a difficult place to hear.

Mr. THOMPSON. I understood he said yes.

Mr. ST. JOHN. I said certainly.

Mr. THOMPSON. I wish you would explain the reasons why your organization would not make a time agreement, and why you countenance the destruction of property or the injury of persons in order to carry out any desired point as workmen?

Mr. ST. JOHN. Well, in the matter of the time agreements, the entering into time agreements is of no value to the working class. It is of no value to that particular part of the working class who are directly involved in the agreement. It is, as a rule, a distinct—it places them at a disadvantage for the future period. In the first place, it is simply saying to the employer that on a certain date, after the lapse of a certain number of months, we are going to make a demand on you for increased wages or change in the working conditions. That is what it means to them. The consequence is that if he has any semblance of intelligence at all he prepares for it, and he has got a year's time to get ready for it. He makes up his stock ahead—his warehouse is piled with stock where he is dealing in goods that he can handle that way; and when the time comes and you make your demands, he has made arrangements so that he is able to get along without you. He places you at a disadvantage.

Another thing, it prevents the workers from taking advantage of any favorable opportunity that might arise during the term of this agreement, by which they could get better conditions. For instance, the market or demand for the commodities that were being produced might become lively, and the plant become rushed with orders, why, from that circumstance the workers has an advantage in making terms and demands. There is an added demand for the commodity they are selling—their labor power; and there is that added demand there, and they are in a more favorable position to force recognition for their claims and gain what they are after.

In addition to that, it destroys the active spirit in an organization to work under a contract period. The membership, as a rule, working under a time contract, as soon as the contract is signed and they are back to work, they lose everything except a mere passing interest in their organization; and they think things are settled for the time being, and they do not need to bother under their contract is about to expire. Those are a few of the reasons; and as far as the destruction of property is concerned, the property is not ours. We haven't any interest at all in it; it is used simply—it is used

to make the lot of the workers, as a class, harder; and the only property that we have, experience in the past has shown that the employers, as a class, are not at all particular whether they injure our property or not. They take us into the mills before we are able—before we have even the semblance of an education, and they grind up our vitality, brain and muscular energy into profits, and whenever we can not keep pace with the machine speeded to its highest notch, they turn us out onto the road to eke out an existence as best we can, or wind up on the poor farm or in the potter's field. And we think what is good for the working class—rather, what is good for the employing class is certainly good for us. And he has not shown any respect at all for our property, that it is not incumbent upon us to show any respect for his property; and we do not propose to do it; and we do not propose to make any bones about having that attitude clearly understood; that we are getting somewhat intelligent, and at least beginning to notice things. And the same holds true with regard to life and violence. Not that the Industrial Workers of the World are advocating the destruction of life to gain any particular point or the use of violence; because the destruction of life is not going to gain any point, and if life happens to be lost in strikes that we are implicated in, the blame generally, and has been up to date, on the other side. But we are not going to tell our membership to allow themselves to be shot down and beat up like cattle. Regardless of the fact that they are members of the working class, they still have a duty that they owe to themselves and their class of defending themselves whenever they are attacked and their life is threatened. Violence is not always the choosing of the working class; as a general rule, it is forced on them as a simple act of self-defense. They have to strike back when they are struck at, and that is the spirit and that is the idea the organization is trying to educate the workers into.

We do not—we do not want to be understood as saying that we expect to achieve our aims through violence and through the destruction of human life, because, in my judgment, that is impossible. The achievement of success—the success of this organization—the realization of what it is striving for—depends on one thing only, and that is gaining the control of a sufficient amount of the labor power that is necessary in the operation of industry. Now, when we have that control, then through organization the necessity for violence will be reduced; in fact, it will almost disappear. It will disappear. The necessity for using any tactics that will lead to violence will disappear, and the protection and the safeguarding of human life will increase just in proportion as we have that control. And we will not only be able to take care of ourselves, and therefore it will become unnecessary for us to injure anybody else so far as life is concerned.

Mr. THOMPSON. In getting your control of an industry, Mr. St. John, do you—and in your advocacy of the method of gaining that control, do you tell your membership only to use force in case it is necessary for self-defense?

Mr. St. JOHN. We don't tell them anything of the kind. They are supposed to have sense enough to know that. If they did not have sense enough to know when to take care of themselves, no amount of telling on our part would do them any good.

Mr. THOMPSON. In other words, your general policy is that whatever violence is necessary to carry the point, and if violence will carry the point, they must use it to gain the point?

Mr. St. JOHN. Most assuredly; yes.

Mr. THOMPSON. Yes.

Chairman WALSH. What is the answer?

Mr. St. JOHN. Most assuredly; yes.

Mr. THOMPSON. That is to say, if violence will bring the point that the workers want, then it is countenanced?

Mr. St. JOHN. Well, violence is not going to bring the point that the workers want except in rare instances.

Mr. THOMPSON. Take the case of workers filling the place of strikers, for instance. If your people believe that by committing acts of violence against the people who take the places, they would cause a determination of the struggle in favor of the strikers, then you would countenance such violence?

Mr. St. JOHN. Certainly.

Commissioner HARRIMAN. I would like to ask you, Mr. St. John, what was the underlying cause for the creation of your organization?

Mr. ST. JOHN. Well, the organization came into existence mainly because of the lack of unity on the part of labor as it was and is organized to-day.

Commissioner LENNON. I wish the witness would face that way [indicating audience], and we could hear just as well.

Mr. ST. JOHN. Strikes in different sections of the country were fought out and lost by the workers, not because they did not put up a good fight themselves, those that were directly involved—not because of the fact that the employers were in an advantageous position, but simply because that, in addition to fighting the employers who were solid as a unit on the proposition, they also had to contend against the assistance rendered to the employers by workers in the same industry or in other industries. The only show for the winning of a strike is stopping the production of the commodity that is being manufactured by the workers that are on strike, curtailing the profits of the corporation or the individual who has title to that establishment; and as long as he can transfer his work to other workers or operate his factories with scab labor and the product turned out by scab labor are distributed around the country by union men with union cards in their pockets, and the raw materials are furnished to the scab labor in this particular factory and pass through the hands of men with union cards in their pockets, the chance of any body of workers winning a strike in any important industry are reduced to a minimum, to say the least. And it was to overcome that state of affairs that the union has come into existence.

Commissioner HARRIMAN. Do you think that cooperation between employers and the wage-earning class is possible or impossible—peaceful cooperation?

Mr. ST. JOHN. It is not possible except by a loss to the wage earners. It might be brought about, but the only ones that would gain by it would be the employers. The wage earners would be the ones to suffer.

Commissioner HARRIMAN. I would like to ask you what is the attitude of your organization toward the Government?

Mr. ST. JOHN. Toward the Government?

Commissioner HARRIMAN. Yes.

Mr. ST. JOHN. Well, they simply look on the Government as a committee employed to look after the interests of the employers. That is all the Government means to it. It is simply a committee employed to police the interests of the employing class.

Commissioner LENNON. Mr. St. John, I understood you to answer Mrs. Harriman that the reasons for starting the I. W. W. were, your view as to the inefficiency—because of your ideas of lack of cooperation in the existing organizations. Is that true?

Mr. ST. JOHN. Yes.

Commissioner LENNON. Where have you found in your observations that the unions that you are criticizing have been less successful than the I. W. W. in strikes and lockouts and contests of that character?

Mr. ST. JOHN. What do you want, definite examples?

Commissioner LENNON. Yes.

Mr. ST. JOHN. Well, the industrial history of the country is full of them for the last 15 years.

Commissioner LENNON. Well, I know something of that history myself.

Mr. ST. JOHN. The strike of the subway and elevated railroad men in the city of New York in 1905 is one instance.

Commissioner LENNON. Yes.

Mr. ST. JOHN. The strike of the miners in Leadville, Colo., in 1896 is another instance. The loss of the A. J. U. strike in 1891 is another instance, and the garment workers' strike in Chicago in 1908, I think that was another instance. The loss of the—

Commissioner LENNON. While those strikes were, in the main, lost, but not entirely—that is another phase of the matter. Are you not aware of the fact that hundreds and even thousands of strikes were gained in the meantime?

Mr. ST. JOHN. Well, that might hold true, but the strikes that were gained were possibly of less economic importance or involved fewer people than those that were lost. As a matter of fact, in the past 15 or 20 years in this country organizational workers have practically been wiped out in every basic industry—been wiped out after struggles, after fights, after strikes, and they have been wiped out, and there is no gainsaying the fact that to-day, in basic industries in this country, they have no efficient organization.

Commissioner LENNON. Have the Industrial Workers an efficient organization in those industries?

Mr. ST. JOHN. No, sir; we haven't, and more is the pity.

Commissioner LENNON (inaudible). Are you in the same position now in regard to strikes as the old organization has long been?

Mr. ST. JOHN. Yes; some of them.

Commissioner LENNON. In other words, you are in the same position as the other unions, although not quite so successful?

Mr. ST. JOHN. We are in the same condition of the other unions for this simple reason: We not only have to fight the employers, but have to fight all other unions besides. For some reason or other, all unions think it is a badge or honor to scab on the I. W. W. They are encouraged in that viewpoint by all parties and by every agency of the country, and that is an added handicap, but it is no criterion—it is no criterion of whether the methods of the I. W. W. are correct or not.

Commissioner LENNON. Have there been any attacks of the I. W. W. on other unions—attempts to destroy their efficiency, or wipe their organizations out, or take their places?

Mr. ST. JOHN. No; none whatever; that is, not if I understand your question correctly. The very fact, of course, that we are in the field, might be so construed on the general proposition, but if by your question you mean that the I. W. W. interferes in the strikes of any other organization, or allows its membership to act in manner detrimental to the strikers interested, I could say emphatically no, and that wherever any such instances as that have occurred, those responsible for it have been expelled from the organization.

Commissioner LENNON. You spoke something of the inconsistency of union men. Do you find that members of the I. W. W. are entirely consistent as to the patronage of union products, and all that kind of thing, which you mentioned a while ago?

Mr. ST. JOHN. I did not say anything about patronizing union products.

Commissioner LENNON. I understood you to speak of the inconsistency of unions not supporting each other, and individual members not supporting the unions.

Mr. ST. JOHN. That is all right, I did not mean by their patronage at all. That is not my support. That is only simply building up a commercial proposition, and making a market for labeled goods, that is all, and never won a strike yet, and never will. That only simply creates a kind of a little monopoly for the manufacturer of goods that have got a particular tag on it, or something, and the manufacturers, as a general rule, take advantage of that and put up an inferior grade of goods, and trade on a union man's principles to sell them to him. The circulation of the demand for a union label is not going to settle any question for the working class. The relation that I spoke of is in their handling of the products of wageworkers, one from the other, in getting them to the market. That is why I spoke—that is what I means by the lack of cooperation. For instance, a factory is manned with scab labor, the raw material is brought to that factory, in many instances, by teamsters who belong to local unions. They are tied up with a contract and can not do anything else, no matter how they feel about it. The goods are manufactured in the shop. Sometimes part of the shop is union, sometimes part of it is nonunion, and sometimes part of it is run by strikebreakers taking the place of men actually on strike, and the product passes from one department to another, and goes through the hands of those different union men and nonunion men to completion, and then put on a car and transported to market by the union train crew. That is what I mean.

Commissioner LENNON. Do you maintain that the idea of collective bargaining or agreements should not be recognized? You said that in industry you don't believe in collective agreements.

Mr. ST. JOHN. I don't believe in collective agreements, so far as the wage-workers are concerned; no.

Commissioner LENNON. Well, then, as between men. Do you believe that men ought to agree with each other?

Mr. ST. JOHN. I am not interested in that. That is not a part of the labor question.

Commissioner LENNON. It is not a part of the labor question?

Mr. ST. JOHN. No.

Commissioner LENNON. The labor question covers all questions.

Mr. ST. JOHN. What is that?

Commissioner LENNON. I have no right to argue with you; I don't want to argue with you. That is all right. What are you striving for? What is the ideal that you are working for?

Mr. ST. JOHN. Working class control of industry.

Commissioner LENNON. Is that collective ownership?

Mr. ST. JOHN. We don't care anything about ownership; all we want is control of it.

Commissioner LENNON. What are you going to do with it? What will you do with it?

Mr. ST. JOHN. When we control it, we will control the products produced by it, and we will distribute them to those whose efforts are responsible for producing them.

Commissioner LENNON. For the benefit of those that are organized, or for the benefit of all?

Mr. ST. JOHN. For the benefit of those actively contributing in the effort necessary to produce. Whenever the working class have control of industry, they will all be organized. There will be no question about organized and non-organized at that time.

Commissioner LENNON. All right.

Commissioner BALLARD. You spoke a minute ago of expelling from your organization. What would constitute such offense as to merit the expulsion from the I. W. W.?

Mr. ST. JOHN. Violation of the principle of the organization—that is, the fundamental principle of the organization. The signing of a contract with employers by local unions, the repudiation of the principle of the organization with regard to the employing class, and the wage-working class having no interests in common. That is, for instance, if any local of the organization were to take the stand that the employers and workers had a mutual interest and that they should meet and try to arrive at some mutually satisfactory understanding, why, that would automatically expel them from the organization.

Commissioner BALLARD. Have any of your men been expelled for any of those causes?

Mr. ST. JOHN. One local union was expelled for entering into an agreement with the employers in Great Falls, Mont.

Commissioner BALLARD. You spoke of not believing in organized government. If, for instance, the I. W. W. could eventually control the working class, would there any longer be any need for a Government as we have it now?

Mr. ST. JOHN. I did not say anything about not believing in organized government. Somebody asked me what we thought of the political government of today, and I said that we recognized it as a committee of the employing class. So far as organized government is concerned, whenever the workers are organized in the industry, whenever they have a sufficient organization in the industry, they will have all the government they need right there.

Commissioner BALLARD. What would become of our present United States Government?

Mr. ST. JOHN. It would die of dry-rot.

Commissioner BALLARD. There would be no longer any need for that Government?

Mr. ST. JOHN. None that I could see.

Commissioner BALLARD (inaudible). Supposing you had a certain factory organized under the I. W. W., the men were organized workers, and suppose it happened that there was competition from some other factories making the same goods, so that your people could only find work half the time, would it be right and proper for you to send a man with a torch to the other factory and burn it down so your people could work all the time?

Mr. ST. JOHN. We would not care about that. We would leave that to the other fellows. They would attend to that themselves. We would not have to worry about that. That is the way they root up competition themselves.

Commissioner BALLARD. Well, there is a good deal of competition left, I find.

Mr. ST. JOHN. I know that, simply because the factories left ain't hardly worth paying somebody to go around with a torch. All you have to do is read the criminal records of arson and incendiary and the Standard Oil history, how they got control of the oil industry. You don't have to worry about that.

Commissioner BALLARD. The men in the office who have charge of the buying and selling and the superintendent who has charge of the manufacturing, they are not eligible to become members of your order, as I understand it?

Mr. ST. JOHN. Men in the office, certainly, providing that they are not in a position of firing and employing. If they are clerks in the office, whether they are buyers, or no matter what they are, if they are clerks and they are not in a position of authority over other employees, they are eligible to membership.

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Commissioner BALLARD. Well, those who are the superintendents and others are not eligible?

Mr. ST. JOHN. No.

Commissioner BALLARD. They are not necessary to the industrial scheme of work?

Mr. ST. JOHN. They are not necessary to our organization. They are necessary for the employer, but we don't care anything about that.

Commissioner O'CONNELL. Mr. St. John, are there two distinct organizations of the I. W. W.?

Mr. ST. JOHN. Well, there is an organization calling itself the I. W. W., with a separate headquarters; yes, sir.

Commissioner O'CONNELL. Where are they located?

Mr. ST. JOHN. They have got a post-office box in Detroit, Mich.

Commissioner O'CONNELL. Who are the supposed officers of that organization, do you know?

Mr. ST. JOHN. The secretary is named Herman Richter, and the executive board's names I could not recall.

Commissioner O'CONNELL. Have you any idea as to their membership?

Mr. ST. JOHN. No; I have not.

Commissioner O'CONNELL. What is the approximate membership of the I. W. W. as you represent it?

Mr. ST. JOHN. About 14,310.

Commissioner O'CONNELL. Fourteen thousand three hundred and ten?

Mr. ST. JOHN. The average for the last six months of our membership was 14,310.

Commissioner O'CONNELL. How many local unions have you scattered throughout the country?

Mr. ST. JOHN. Two hundred and thirty-six.

Commissioner O'CONNELL. One hundred and thirty-six?

Mr. ST. JOHN. Two hundred and thirty-six.

Commissioner O'CONNELL. How many of those local unions were represented at your convention last September?

Mr. ST. JOHN. I could not say offhand.

Commissioner O'CONNELL. How many delegates were at that convention?

Mr. ST. JOHN. Forty-five.

Commissioner O'CONNELL. Forty-five?

Mr. ST. JOHN. Forty-five.

Commissioner O'CONNELL. Do the delegates carry proxies from other unions that are not represented directly?

Mr. ST. JOHN. Not unless the other unions are in the same locality from where the delegate comes.

Commissioner O'CONNELL. Are there any limits to the number of proxies one delegate can carry?

Mr. ST. JOHN. One delegate from one union can only cast 10 votes. That is representing—

Commissioner O'CONNELL. How many delegates did it take to have the majority vote in your convention for last year?

Mr. ST. JOHN. Well, I could not tell you that offhand. I have the convention report here, but I have not it with me.

Commissioner O'CONNELL. Is it possible that seven delegates could control the convention, have a majority vote?

Mr. ST. JOHN. No.

Commissioner O'CONNELL. Eight delegates, or ten?

Mr. ST. JOHN. Well, at the last convention, possibly the control of the convention was in the hands of 10 delegates at the last convention; that is, the 10 delegates with the largest number of votes.

Commissioner O'CONNELL. Is the membership in the I. W. W. largely of a foreign-speaking tongue?

Mr. ST. JOHN. No; not any more than usual.

Commissioner O'CONNELL. What are the predominating nationalities of the members?

Mr. ST. JOHN. Well, there isn't—I wouldn't say that any nationality predominates in the organization.

Commissioner O'CONNELL. Have you a universal initiation fee throughout the organization?

Mr. ST. JOHN. We have a maximum limit.

Commissioner O'CONNELL. What are they?

Mr. ST. JOHN. Five dollars.

Commissioner O'CONNELL. Is that the maximum or minimum?

Mr. ST. JOHN. That is the maximum.

Commissioner O'CONNELL. What is the minimum?

Mr. ST. JOHN. Anything they want, anything up to \$5. The local union determines that themselves.

Commissioner O'CONNELL. What are the monthly dues?

Mr. ST. JOHN. From 50 cents to \$1.

Commissioner O'CONNELL. That is the minimum and maximum, too, is it?

Mr. ST. JOHN. Yes.

Commissioner O'CONNELL. Do you pay strike benefits to your members on strikes?

Mr. ST. JOHN. No, sir.

Commissioner O'CONNELL. Out-of-work benefits?

Mr. ST. JOHN. No, sir.

Commissioner O'CONNELL. Death benefits?

Mr. ST. JOHN. No, sir.

Commissioner O'CONNELL. Sick benefits?

Mr. ST. JOHN. No, sir.

Commissioner O'CONNELL. Benefits of any kind?

Mr. ST. JOHN. None whatever; no, sir. That is, only incidental, particular cases, that might be. It is not—there is no benefits of any kind that are provided for in the constitution.

Commissioner O'CONNELL. Do you publish monthly, quarterly, semiannually, or annually a statement of your receipts and expenses?

Mr. ST. JOHN. Every month; yes, sir.

Commissioner O'CONNELL. Every month?

Mr. ST. JOHN. Yes, sir.

Commissioner O'CONNELL. Does that show general and voluntary contributions raised or collected by your local union involved in trouble, for instance, where there may be a strike?

Mr. ST. JOHN. The only statement we publish is the transactions between the local unions and the general office.

Commissioner O'CONNELL. And that indicates just the receipts to your general office and the expense of your general office?

Mr. ST. JOHN. Yes, sir.

Commissioner O'CONNELL. Is it itemized, the purposes for which the expenses are paid?

Mr. ST. JOHN. Yes, sir; it is an itemized statement.

Commissioner O'CONNELL. Will you furnish the commission with a copy of your last 12 months' reports when you return to your office?

Mr. ST. JOHN. Yes; I will be glad to, but I have not got it with me.

Commissioner O'CONNELL. But send them to us?

Mr. ST. JOHN. Yes.

Commissioner O'CONNELL. But have you a copy of the constitution with you?

Mr. ST. JOHN. No; I have not.

Commissioner O'CONNELL. You could not, of course, give us verbatim; but as near as you can, will you give us the aims and principles of the constitution as it describes them?

Mr. ST. JOHN. I will bring to the commission a copy of the constitution this afternoon, possibly.

Commissioner O'CONNELL. You spoke of having a number of the strikes in which you were involved, which were successfully settled, and others were not. Can you give us, for the benefit of the record, what the result was of the pressed steel car strike at Canton, Ohio?

Mr. ST. JOHN. Canton, Ohio?

Commissioner O'CONNELL. Canton, Ohio.

Mr. ST. JOHN. I have no recollection of handling any strike at Canton, Ohio.

Commissioner O'CONNELL. The American Car Co., Rankin?

Mr. ST. JOHN. Where?

Commissioner O'CONNELL. Rankin.

Mr. ST. JOHN. Rankin, Pa.?

Commissioner O'CONNELL. Yes.

Mr. ST. JOHN. Last year?

Commissioner O'CONNELL. Yes.

Mr. ST. JOHN. We were not—we were not involved in that strike at all that I know of.

Commissioner O'CONNELL. Were you involved in the Philadelphia sugar workers' strike?

Mr. St. John. Yes.

Commissioner O'CONNELL. What was the result of that?

Mr. St. John. That strike was lost, so far as I know.

Commissioner O'CONNELL. And then the New York barbers' strike?

Mr. St. John. The New York barbers' strike?

Commissioner O'CONNELL. Yes; what was the result of that?

Mr. St. John. Well, the strike was, the conditions, that they went out on strike for were gained, according to my understanding. The strike was a win from the point of the barbers involved. So far as the organization was concerned, the organization did not get anything out of it. It had no organization when it went into it. Simply the strikers appealed to the organization to help them out, and they furnished them with organizers, and after the strike was over, that was all there was to it.

Commissioner O'CONNELL. Are they still members of the organization?

Mr. St. John. No.

Commissioner O'CONNELL. What was the result of the strike at Paterson?

Mr. St. John. At Paterson?

Commissioner O'CONNELL. Yes.

Mr. St. John. Well, the strike at Paterson was not a complete victory by any means; but it gained some of the points for which they fought—some in all the mills and a good many in others.

Commissioner O'CONNELL. Were these people members of your organization before they went on the strike?

Mr. St. John. Something like twelve or fifteen hundred out of the entire number.

Commissioner O'CONNELL. What was the largest number that you had during the strike?

Mr. St. John. During the strike?

Commissioner O'CONNELL. Yes, sir.

Mr. St. John. I couldn't say as to that, because they don't pay any dues during the strike to the general office, and so I have no way of finding that out.

Commissioner O'CONNELL. Have you any membership there now?

Mr. St. John. Yes, sir.

Commissioner O'CONNELL. To what extent have you a membership there?

Mr. St. John. Must be 2,500.

Commissioner O'CONNELL. What was the result of the strike at Little Falls, N. Y.?

Mr. St. John. All the demands were gained.

Commissioner O'CONNELL. Did you retain your membership there?

Mr. St. John. Well, I could not say, because they are part of the Textile Workers, and as a local union they do not make any reports or pay anything into the general office. I believe, however, that they have a small—a local union—a small local—one branch known as the Sylvania membership—Sylvania Workers.

Commissioner O'CONNELL. What is the difference between Centralists and Decentralists, as recognized?

Mr. St. John. Well, I don't know myself.

Commissioner O'CONNELL. There is a recognized difference between you and the so-called Detroit organization—a sharp distinction, is there not?

Mr. St. John. The difference between the Detroit organization and the I. W. W. is—the Detroit organization, as far as I can find out, is simply a duplication of an alleged political party known as the S. L. P. They have no information; do not give out any information; have no organization except on paper; and are committed to the program of capturing plates at the political pie counter for their membership whenever possible, and trading also at the —they trade on the name of the I. W. W. That is the way they keep alive.

Commissioner O'CONNELL. That is all; thank you.

Chairman WALSH. Mr. Garretson.

Commissioner GARRETSON. Mr. St. John, does or does not the plan of the I. W. W. contemplate the ownership—

Mr. St. John (interrupting). How is that?

Commissioner GARRETSON. Does the general plan of the I. W. W. contemplate the ownership of all the means of production by the men employed in that pursuit?

Mr. St. John. It contemplates control. We are not worried about the matter of ownership at all. Of course, ultimately, control means ownership.

Commissioner GARRETSON. The difference between control and ownership, as you have explained it, is virtually a play on words?

Mr. ST. JOHN. No; not necessarily.

Commissioner GARRETSON. If you control it, does it have any value to somebody else?

Mr. ST. JOHN. You might control it and somebody else might own it; but it wouldn't be very much good, though.

Commissioner GARRETSON. In the market they could not transfer title for a very great sum?

Mr. ST. JOHN. No; they would not be able to sell out for very much.

Commissioner GARRETSON. Can your methods come to ultimate success until the present system—until our forms of government have been changed so as to permit the carrying of them out uninterrupted—by the present laws governing property, for instance?

Mr. ST. JOHN. As far as the Government—the present Government—is concerned?

Commissioner GARRETSON. The present laws.

Mr. ST. JOHN. All the present laws are concerned—they are operative only by reason of the fact that the element in society in whose interest these laws are drafted are at present, and have been, in the control of the industries.

Commissioner GARRETSON. And able to enforce the law?

Mr. ST. JOHN. They have the resources behind them to their control of industry, to finance, or keep a machine in the field that will enforce their will; yes, sir.

Commissioner GARRETSON. Then your ultimate plan would result in one of two things—either the falling into disuse of the present code of laws, or their repeal; and you consider repeal unnecessary, I assume?

Mr. ST. JOHN. Well, I don't think we would bother much about whether you repealed them or not; but if we had an organization and had sufficient control of industry to be able to dictate our terms, why, we would not care much about what they done—

Commissioner GARRETSON (interrupting). In fact, it is a fact that the control of industry would mean the control of everything else?

Mr. ST. JOHN. Yes, sir.

Commissioner GARRETSON. Other things are merely incident thereto? Ultimately your plans would abolish—well, the word that was just used might describe it best—any central form of government.

Mr. ST. JOHN. Not necessarily.

Commissioner GARRETSON. Your system would carry itself along without governmental interference or necessity?

Mr. ST. JOHN. As far as the I. W. W. is concerned, we are only interested in the bread and butter proposition of the wage-earner class, and getting them in control of the industries. And the organization, when it was perfected, would be an organization through and by which the workers administered industry. It would not have any governmental functions, as they are known to-day. But whether there would be anything necessary in addition to that is something we are not—I am not, anyway, prepared to say; don't care anything about it.

Commissioner GARRETSON. Has any other idea ever dominated any class which desired to control a country but the bread and butter question in one or the other of its ramifications?

Mr. ST. JOHN. Well, that is what the I. W. W. holds—that it is not sustained that way, but, as a general rule, they are working for some other purpose ostensibly.

Commissioner GARRETSON. Hasn't the bread and butter idea and the plebeian idea dominated the employing class absolutely as it now dominates you?

Mr. ST. JOHN. Certainly.

Commissioner GARRETSON. All the difference is that two sets of men have it now.

Mr. ST. JOHN. The only difference is that they have the control of the organization and want to keep it.

Commissioner GARRETSON. Want to keep it?

Mr. ST. JOHN. Yes, sir; and the men are keeping control of industry for the benefit relatively of a small number of individuals.

Commissioner GARRETSON. Yes. You simply desire a wider distribution?

Mr. ST. JOHN. Who at the present stage of advancement of industry contribute practically nothing to its operation or the production of any wealth whatever.

Commissioner GARRETSON. On the practical side, Mr. St. John, one statement you made in regard to contracts struck me as rather peculiar, that the enter-

ing into a time contract itself took the life out of the men subject thereto—the interest. I assume from the position you hold you were probably a working man at some stage, actually?

Mr. ST. JOHN. Yes, sir.

Commissioner GARRETSON. Did you ever work under a time contract?

Mr. ST. JOHN. Never did; no.

Commissioner GARRETSON. Then you are not speaking from experience, but from hearsay?

Mr. ST. JOHN. No; I am speaking from hearsay.

Commissioner GARRETSON. Do you know what the average men under a time contract pay—assuming, now, that it runs a year? Do you know anything of the comparative amount of money spent by the men subject to that contract, first, in the making of it; and, secondly, in the period of the year in working under it?

Mr. ST. JOHN. Certainly. I have a general idea.

Commissioner GARRETSON. Now, what would those proportions indicate, in regard to the interest being continued or dying out?

Mr. ST. JOHN. Don't necessarily indicate anything as to interest at all. For instance, to give you an example, there is a local union of building laborers in the city of Chicago. It has a membership of about 14,000, working under a contract from time to time. Now, the average attendance at a meeting, of the membership of that union is about 35, and at special meetings, at which officers are elected, the maximum attendance is about 700. Now, the interest in our organizations, so far as I am concerned, is not expressed in the amount of fees they pay, or the amount of finances the organization has to control and disburse; that does not indicate anything, so far as the interest of the membership is concerned. It is no indication of it whatever.

Commissioner GARRETSON. You mean that is your opinion?

Mr. ST. JOHN. Certainly. I say that is from my standpoint.

Commissioner GARRETSON. The opinion of another man, who has had an equal number of years of experience, that the putting up of the coin is the real test of interest, a voluntary separation from his money—would it have any effect in the final determination of that question?

Mr. ST. JOHN. Well, how are you going to determine whether or not it is voluntary?

Commissioner GARRETSON. He voluntarily—he don't have to spend it.

Mr. ST. JOHN. It is not voluntary at all when the boss has got a contract with an organization. They use the boss to maintain their own organization, and the man can not work unless he has got a card in that organization, and they have got an agreement that he pays—

Commissioner GARRETSON (interrupting). Where none of those conditions exist?

Mr. ST. JOHN. Where none of those conditions exist, why—

Commissioner GARRETSON (interrupting). And in some large section of the country, those conditions do not exist.

Mr. ST. JOHN. Why, maybe—

Commissioner GARRETSON (interrupting). Then isn't it voluntary?

Mr. ST. JOHN. I don't know. I would have to have a particular case.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. I have just a question or two. Does your organization in any way manage or finance public demonstrations—that is, to call attention to conditions?

Mr. ST. JOHN. You mean the general organization?

Chairman WALSH. Yes.

Mr. ST. JOHN. No; it does not.

Chairman WALSH. Does your local organization?

Mr. ST. JOHN. The local organizations do, and whenever they are in need of assistance they call on the general organization and they assist them to that extent—to the extent they are able.

Chairman WALSH. Did your organization, to your knowledge, have anything to do with the demonstration that took place in New York City outside of the movement proper such as called for aid on the churches, and so forth?

Mr. ST. JOHN. I don't think the organization—I don't know anything about that. I know that the general organization was not consulted in the proposition, and was not concerned in it one way or the other; I don't think the local organizations here were officially connected with it. I don't know.

Chairman WALSH. Is there any organization within your body that is furnishing men to go to a city where the right of free speech is said to be an issue?

Mr. ST. JOHN. There is not any organization outside of the general organization.

Chairman WALSH. Is there an organized effort to send men from one place to another? You know what I mean. The papers publish from time to time, for instance, they have ordered men off the streets; that they have arrested men, and that others are coming from certain places. Is that organized inside of your organization?

Mr. ST. JOHN. Whenever there is a free-speech fight. Whenever any local union becomes involved in a free-speech fight they notify the general office and that information is sent to all the local unions, then to the general organization with the request that if they have any members that are foot loose to send them along.

Chairman WALSH. Is there any attempt to finance them by the general organization?

Mr. ST. JOHN. They finance themselves.

Chairman WALSH. How do they get from place to place? Just use their own exertions?

Mr. ST. JOHN. They get from place to place by making themselves at home on a freight train or on a passenger train—any way they can get there.

Chairman WALSH. Paying their way if they see fit?

Mr. ST. JOHN. Yes, sir.

Chairman WALSH. Is it an individual effort after they have been notified?

Mr. ST. JOHN. Yes; it is up to them.

Chairman WALSH. When those men are sentenced by the court, is there any record kept in the organization as to those that are convicted? Where they are, and where they are confined?

Mr. ST. JOHN. They make an effort to compile those statistics; but that all depends upon the local union.

Chairman WALSH. Does the national union have any record showing their activities in that direction?

Mr. ST. JOHN. Nothing is very complete. They have some data on the proposition.

Chairman WALSH. What is the state of the attitude of the I. W. W. toward the Government generally? Does it include the courts or not?

Mr. ST. JOHN. We recognize the courts as a branch of the Government. There is not any difference.

Chairman WALSH. But what you say about the Government generally you say of the courts?

Mr. ST. JOHN. Certainly.

Commissioner O'CONNELL. I have here, Mr. St. John, a book issued by you, "The I. W. W., by Vincent St. John, third edition, July 1, 1913." You recognize that, do you?

Mr. ST. JOHN. Yes, sir.

(The book entitled "The I. W. W.," by Vincent St. John, publisher, I. W. W. Publishing Bureau, was submitted in printed form.)

Commissioner O'CONNELL. I note here you say: "The membership to-day consists almost wholly of unskilled workers. The bulk of the present membership is in the following industries: Textile, steel, lumber, mining, farming, and railroad construction. The majority of the workers in those industries, except the textile, flow from place to place, following the different seasons of work. They are, therefore, out of touch with the organization for months at a period."

"The paid-up membership of the organization at this time is 30,147. Due to causes referred to above, this is all of the membership that keeps paid up on the books at all times. The general office, however, has issued over 120,000 cards, which is about the number of workers that are in the organization in good and bad standing."

I note that 30,147 is the membership last July. To-day you say the membership is about fourteen thousand and something?

Mr. ST. JOHN. Yes, sir.

Commissioner O'CONNELL. What is the cause of that falling off of membership?

Mr. ST. JOHN. Those figures do not refer to July. That issue of the book is printed in July, but the figures were taken in 1913.

Commissioner O'CONNELL. But it shows a very large falling off in your good-standing membership from that period to the present?

Mr. ST. JOHN. Certainly.

Chairman WALSH. Do you wish to attribute the cause?

Commissioner O'CONNELL. Do you assign any reason for that?

Mr. ST. JOHN. The principal cause is the industrial depression. The membership on the Pacific coast, from one end of it to the other, 75 per cent of them, have been out of work in the last year and have not paid any dues. For membership out of work for any specified length of time we furnish out-of-work stamps, but they are not computed in the paid-up membership of the organization.

Commissioner O'CONNELL. They would be computed in the good-standing membership?

Mr. ST. JOHN. No, sir; not in the good-standing or paid-up membership.

Commissioner O'CONNELL. That is all I have to ask.

Chairman WALSH. That is all. Call your next. Will you kindly remain in attendance, Mr. St. John?

Mr. ST. JOHN. Yes.

TESTIMONY OF MR. MORRIS HILLQUIT.

Mr. THOMPSON. For the purpose of the record, will you kindly give us your name and address?

Mr. HILLQUIT. Morris Hillquit, 246 West One hundred and thirty-ninth Street, New York City.

Mr. THOMPSON. And your occupation?

Mr. HILLQUIT. Lawyer.

Mr. THOMPSON. Are you a member of what I will call the Socialist Party?

Mr. HILLQUIT. I am.

Mr. THOMPSON. What is the name of the party?

Mr. HILLQUIT. Socialist Party of the United States.

Mr. THOMPSON. If you know, how long has that party been in existence as a party?

Mr. HILLQUIT. In its present form and under its present name since 1900.

Mr. THOMPSON. Were there any prior organizations which were merged into that party?

Mr. HILLQUIT. Yes, sir; there were several of them. There was the Socialist-Labor Party, organized in 1878; there was the Social-Democratic Party, organized in 1897; and several local organizations, the greater part of the Socialist-Labor Party; all of the Social-Democratic Party; and some independent organizations were merged in the present Socialist Party?

Mr. THOMPSON. That is the present form, Mr. Hillquit, of that organization?

Mr. HILLQUIT. The Socialist Party is a political organization, consisting of all State organizations within each State of the Union, State organizations in turn being comprised of local organizations, county, city, or town. The Socialist Party has an enrolled dues-paying membership, as distinguished from other political parties. The dues-paying membership of the party at the present time comprises about 115,000 men and women, and the number of local organizations of the party is about 6,000 or 7,000.

Mr. THOMPSON. What form of control for government has the party, its officers and committees, etc.?

Mr. HILLQUIT. It has a national committee composed of representatives from each State organization, representation being based on dues-paying membership. That is one representative from every State organization, and one additional representative for every 3,000 dues-paying members above the first 3,000.

The national committee meets in session once a year, and elects a national executive committee composed of five members.

There is a national secretary who conducts the practical business of the party throughout the year, at Chicago, Ill., with a staff of assistants.

Mr. THOMPSON. This executive committee of five members that you mentioned, Mr. Hillquit, is the committee that designated you as the representative official of the party here?

Mr. HILLQUIT. It is.

Mr. THOMPSON. What, first, are the powers of the larger committee, and next, the powers of those smaller committees, or committee of the officers?

Mr. HILLQUIT. The national committee practically acts as a convention of the party between regular nominating conventions. It convenes once a year, gets records of offices, lays out plans of work for the coming year, elects the

executive officers, and considers and often recommends amendments to the constitution and by-laws of the party.

The national executive committee is practically vested with the powers of the national committee between sessions. The national executive committee meets at frequent intervals, about once in every two or three months, and between meetings transacts business by correspondence.

The national committee, as well as the national executive committee, and the national secretary are subject to directions of the membership given by referendum from time to time.

Mr. THOMPSON. Has the Socialist Party a constitution, if I may say?

Mr. HILLQUIT. It has.

Mr. THOMPSON. A regular organization?

Mr. HILLQUIT. Yes, sir.

Mr. THOMPSON. Have you got a copy of them?

Mr. HILLQUIT. I think I have.

Mr. THOMPSON. Would you mind filing those with the commission?

Mr. HILLQUIT. Not at all.

(The constitution and by-laws were marked, "Hillquit, Exhibit 1." Hillquit Exhibit 1 was submitted in printed form.)

Mr. THOMPSON. Mr. Hillquit, I would like you to state in your own way, the reason, as you see it, for the existence of the Socialist Party and its purposes and plans.

Mr. HILLQUIT. I will start out with the purposes and plans first, and follow up with the reasons for its existence as I see it.

The object of the Socialist Party or of the socialist movement, may be summarized in a few words. The nationalization of the industries. The Socialist Party believes that the principal and most important industries of the country, such upon which the life and welfare of the community depends, should not be owned, managed, and controlled by individuals, or private corporations, for the personal benefit and profit and without regard to the public welfare, but should be conducted as a social function, primarily for the benefit of the community, by responsible agencies of the people organized for that purpose. Concretely stated, socialism demands the collective ownership of the principal tools, courses, and resources of wealth production. When I say collective ownership, I do not mean by that national ownership of all industries in the country.

The Socialists would abolish private, irresponsible ownership and would substitute social ownership in such form as is, in each case, best adapted to a given industry. For instance, we advocate national ownership of, say, interstate railroads, telephones, telegraphs, and other means of interstate communication and transportation. You might well conceive of proper national ownership and management of mines, for instance, or of such industries as are generally organized on a national scale, such, for instance, as the great classified industries of the country. We would probably conceive of certain other industries wholly located within one State and best managed by the State government.

Then, there is the large area of municipal industries, such, for instance, as street cars, water works, gas works, which should be operated and could be operated most economically and to the best advantage by the city.

We may also conceive of certain other industries so unorganized, and perhaps unorganizable in their nature as to be even incapable of municipal operation. Such industries, small industries, might be conceivably conducted by cooperative groups, under certain Government supervision and control, for the production people and consumers alike.

The system of socialism, as we understand it, does not necessarily exclude from the ownership private management of purely individual industries, such, for instance, as the various arts, crafts, and other industries not based upon the exploitation of labor, but based upon purely personal efforts.

Now, this Socialist program is by no manner of means a device, an arbitrary or ingenious device of a new social scheme. It is nothing but an attempt at the solution of certain social problems which have arisen but recently, and to which the Socialists believe the Socialist program is the only answer.

I suppose the commission here, in going over its very fine and very interesting task, has come across a number of social problems or social evils, and one of its tasks is to find suitable remedies for it.

That is precisely what the Socialists have been doing for the last half a century, and very few persons realize that the social problems we are encounter-

ing are new; that they have arisen within the last century. And that they require a special solution such as would grow out from their very nature.

The Socialists find that all, or most of the industrial, economic, and largely also social problems of the day are due to the private ownership of the tools and other instruments of wealth production, and that such problems have arisen with this system of private ownership of the social tool. There, again, the general conception that this is a condition that has confronted mankind practically always is entirely erroneous.

The point which I wish to make, and which is important for a comprehension of the Socialist tactics generally is this: The condition of a century ago or more does not exist to-day. The most acute social problems of the day are industrial problems. Wealth is produced differently. In those times wealth was produced on an individual basis purely. That is, they were produced by means of simple, inexpensive, individual tools. The workers or wealth producers are mostly independent mechanics who do not require large capital, or large machinery, or large factories for their work. They required their individual skill; they required a small tool that they possessed. They worked in a small workshop or in their homes. They produced the entire commodity from beginning to the end; they worked for a certain given specific consumer; they suited his tastes. The commodity when produced was their own. It is in every sense of the term legally, as well as morally and equitably, and the question of the division of product can not possibly arise under such circumstances. There is no division of the product. The product rightfully, logically, belongs to the producer. Then, within the last century, imperceptibly and unnoticeably a tremendous change, amounting to a veritable revolution has occurred in our methods of producing wealth. We are all familiar with it. When we take the trouble to think about it, that is primarily the individual tool has undergone a gradual but rapid evolution. It has developed into the more involved, complete tool, more perfect machine, until by slow stages it has reached the condition of the modern huge machine propelled by steam or electricity, and doing the work of thousands of hands occasionally.

Now, this change involved and necessarily entailed a number of corresponding changes. In the first place, a machine requires a factory for its housing; it requires it on account of its great bulk; and it requires it also on account of the fact that a machine in its essence, produces a part of the work, a part of the product, instead of the entire product. So that, in order to have the whole product, a set of machines is always required. A set of machines, on the other hand, can only be economically maintained if operated by a large number of employees, and if producing very large quantities of products. So that the factory begins to congregate individual workers under its roof. Gradually the independent mechanic or artisan of old times lost his independence. Gradually he drifted into the factory. Gradually he became a cog in the wheel instead of being the entire machine. In the first place, it was no more a question of individual skill or knowledge or ability on his part. In order to produce, in order to work, he must have modern instruments of production. That is, if you take a worker of to-day and say to him, "Why don't you discard the machine? Why don't you go back to the ancient tool and operate with it?" It is of course something impossible for him. He can not work unless he uses modern machinery, and he can not own modern machinery. He can not own it, first, because it represents a very large outlay of capital. It presupposes not only the purchase of the machine but of other machines, and it presupposes a factory and raw material, and so on. If he could own the machine, that would not help him. Suppose you take an individual worker to-day who got one of them, one great modern machine, he would still be in a social fraction. All he could do would be to produce one part of some commodity, meaningless in itself, but you can not get a shoemaker to-day to get, you can not give a shoemaker all the machines required for the production of the entire shoe by machine process. The transformation merely meant that we went from individualism in production toward socialization of production. In other words, the worker has become a social servant to-day, and the machine as a social machine is not an individual machine, and the workshop is an individual workshop.

Corresponding with this change, a logical change, and a just and equitable change would have been to transform the ownership of the machine to a social ownership along with the other transformations of industrial elements from individual into social. In other words, if society by this process has

deprived 1,000 individual workmen of 1,000 individual tools by which they have been in the habit of making a living for themselves, and have substituted for those 1,000 individual tools, say, 10 great machines to be operated by the same 1,000 men, the proper and equitable transformation would have been to have placed these 1,000 men properly organized in possession of this complexity of new machines taking the place of the former tools and allowing them to continue operating collectively, but for their own uses and purposes.

The evolution, as a matter of fact, took a different direction. While the matter of production became social, and the workers became a social servant, the ownership of the machine remained individual. It drifted into the hands of, say, a lucky mechanic who, for some reason or other, could make the first start, or perhaps the person who never had anything in common with the industrial process at all, but merely had the capital to furnish for the new machine or factory to work in.

So that this operation of function and ownership has resulted in the creation of social and economic classes, and there is something which I believe every social investigator and every social worker should bear in mind first of all, the existence and the comparatively recent origin of social and economic classes in the United States.

Or, say, if you go back to the period before the production of modern machinery, there practically were no economic classes. There were those that were better off than the others, but fixed, established, economic classes did not exist.

The helper or apprentice of a century ago always considered his dependent position transitory, and he had a good right to, for after his apprenticeship was over he could set up for himself, and when land was abandoned and free practically he could well go out and take up farming. Now, however, with the introduction of machinery, the laborer to-day, with very rare exceptions, is a laborer forever, and he breeds and produces a generation of laborers. There may be exceptions in several thousands. A working man may succeed perhaps in breaking into the ranks of wealth, but that is always an exception.

The vast majority of workers receive just enough to sustain their lives, perhaps a little less occasionally; and they can never expect to save up sufficient capital in order to undertake independent work with modern methods and in a modern system. And, furthermore, physically, of course, it would be quite impossible for every worker to be a factory owner, for there must be somebody in the factory also to operate the machine who does not own them. Consequently, when the condition is such that for a majority of the workers his condition has become permanent and hereditary, we have for the first time in our history a hereditary perpetual working class. And by the same token and in the same way we have permanently with us a capital class.

When I speak of a capitalist class I mean the class of men or women who own the tools of production which the workers need for their work, and they are capitalists only to the extent to which they own such tools of production. Their ownership may be direct or indirect, may be by means of stocks or bonds or otherwise, but it is still ownership. A capitalist may even be a hard worker, but that does not change the situation. If a capitalist is a hard worker, he earns actually as much as his work is worth. But inasmuch as he derives also a workless income, income from the ownership of the machinery of production, whether it be a railroad or a mine or anything else, to that extent he is a capitalist, and to that extent the capitalist is a permanent hereditary class. Herein there are exceptions. There are the capitalists, the capitalists' sons, who dissipate their fortunes and perhaps sink to the level of the laborer, but those are likewise the exceptions; and as the fortunes grow larger the relapses become rarer and rarer. The capitalist class tends to become permanent and hereditary just as much as the labor class.

We claim that the origin and development of those two classes are unfortunate, and that is one of the evils for which we seek a remedy. And that for the following reasons: The economic interest of the two classes are opposed to each other; they are antagonistic. By that I do not mean personal hostility between the worker and the employer. Their relations may be very friendly, very cordial, but their interests are of necessity opposed to each other. The capitalist deriving his income from profits—that is, from the opportunity of the product which goes to him by virtue of his ownership of the means of production—and the worker receiving wages, which means that part of the product which the capitalist leaves to him after deducting his own share, it is natural that the capitalist will always endeavor to make his share of the product as large as

possible, and the worker likewise, and that, again, regardless of personal information.

The capitalist is in business for profit. The worker is in business for wages. Each depends upon the share of productive process, and the smaller the wages under other circumstances the larger the profits, and the smaller the profits the larger the wages.

So we have this economic conflict which expresses itself in a variety of ways. It works under the surface; it is not even consciously perceived by the workers, perhaps, or the capitalists. If you tell a number of workers to-day that their interests are opposed to those of the employer, they say, "No, they are not; they are perfectly harmonious." At the same time, during his work, he will instinctively keep in the opposite direction. He will instinctively try to conserve his labor power, the sole source of his wealth. He will instinctively strive to secure a raise of a dollar or two, or as much as he can. He will bicker and bicker with his employer at all times, and his employer with him. It may all be done in a very good-natured way, but there is an unconscious manifestation of the class trouble. Sometimes it will flare up; there will be a strike or there will be a lockout, and sometimes it will assume a very violent force. Such, for instance, as the present pending labor struggles in Colorado, but all those are simply different forms and different degrees. It is the struggle for economic advantages between the employer and the employee, whose interests and whose shares in the production product are opposed to each other.

We claim, first of all, that this class trouble is at the bottom of the greatest number of our present industrial problems, and we claim, second, that this problem can not be abolished unless we abolish the very system which has created it. In other words we may preach harmony between employers and employees, or we may have our organizations especially organized for the promotion of such harmony, such, for instance, as the National Civic Federation and other similar organizations; but, as a matter of fact, so long as the economic interests of the two classes remain conflicting so long will no exact harmony exist.

The Socialists claim that by abolishing the system of private ownership in the instruments and tools of production, and by substituting for it a system of general collective or national ownership, the classes and class distinctions and class antagonisms will cease, and otherwise they can not. Then, if you take all other problems which are known prominently as industrial problems—say, the problem of child labor, the problem of woman labor, and so on—then you find an application of the same theory. So long as the modern machinery makes the labor profitable, and so long as it is in the interest of the employer, regardless of his personal qualifications, to get his labor as cheap as possible, and so long as the workers themselves are not paid sufficient to maintain their whole family in decent comfort, so long will child labor prevail. There, again, some restrictions are possible, some mitigation of the evil is possible, but the root of it is in the private ownership of the machine in the capitalist, and that will remain so long as the system prevails.

I could go over the list of a number of other social problems. I could take up, even to a very large extent, the question of the unemployed—the tramp, for instance—and bring that back to the capitalistic system, for it is a system which works without general national plan, which works for individual profit and regardless entirely of social welfare, which is based upon the exploitation of labor and intense work; it is this system which creates the problem of unemployment. Ordinarily, under normal conditions, there should be no unemployment in the United States. For what does unemployment mean? It is not that we stand in need or that we have a superfluity of commodities, too much food, or too much clothing, or too much furniture, and so on, and for this reason we can not allow our entire working population to continue working. We still need all that work and production. There are millions of citizens who stand in need of food, clothing, shelter, furniture, books, and so on, but we do not produce them, although we have the facilities for it. We have the natural resources for it, we have the skill for it, and we have millions of workers ready, and even eager, to do the work for themselves, but, you see, the present system of production is not based upon social needs. It is not a social function. It is simply a case of where a number of individuals happen to manufacture for profit. They produce a certain quantity; they employ a certain number of men; they employ them for as many hours a day as they can exact from them; and they are guided by the market which is made by the ability of men to pay for what they need, not by what they need. Conse-

quently under a capitalist system there always remains this certain army of unemployed. Some of them are unemployed temporarily, others become permanently unemployed, others lose the capacity for work by long idleness, others become old and disabled, and so we get the hobo and tramp and the unemployed. There is another problem. It relates back to the present or so-called capitalization system.

You could even take the problem of crime and vice and find that a good deal of it, by no means all, but a very considerable part of it, can be brought back directly to the present economic system.

The Socialists say the only way to cure all those evils and maladjustment is by placing the ownership of the means of production in accord with its manner of operation. In other words, making it social instead of individual; making it serve the people instead of serving the capitalists; producing for use instead of producing for profit.

Socialism by no manner of means contemplates a complete change of the system in one day. We fully realize that social revolution is gradual; that social institutions are methods of historical growth and development; that no system of society can be changed in a day just because a certain number of individuals think it ought to be changed; and for that reason socialism works toward the gradual introduction of the socialist system and also with a view of steady, gradual improvement of present social conditions, particularly the condition of the workers.

By this we mean a dual system. We mean, first, a gradual socialization of the ownership of industries. We advocate national and municipal ownership of certain industries to-day for the entire socialistic program, and we also advocate every measure calculated to improve the condition of the workers—such, for instance, as better wages, shorter hours, abolition of child labor, State insurance, national insurance, the workers against old age, sickness, disability, and so on.

And in doing that we have a dual consideration. In the first place, the immediate benefits of the working class, as such, are not to be entirely neglected; they must be recognized. But it would be a very poor proposition to say to the ten or twelve million of industrial workers, "Why, if you men and women will continue suffering and continue working for starvation wages, perhaps, and continue crippling your children in the factories, morally and physically, if you will be patient enough for another generation or so, an entirely new and better and another system will be developed, but you must wait for it." The workers of to-day are entitled to relief to-day, and as much of it as they possibly can secure, and of betterment.

On the other hand, we also know that in order to bring about the ultimate and radical change which the Socialist proposes it will require a better class of workers, a class of workers physically better, better fit mentally and better trained, and politically and economically better organized. In other words, we assume that socialism, as any other proposed change, political, social, or economic, can only be brought about, first, when conditions are ripe for it, and, secondly, when the men are ripe for it; and, third, when the machinery for the accomplishment of the transformation is organized and ready. We do not expect the capitalists of to-day to rise one nice morning and say: "After all, we have considered it and have come to the conclusion that we have been unjust or iniquitous in using our control for our own purposes, and we will abdicate our economic power and we will turn over our industries to the collectivity of the Nation."

We expect that socialism will be only introduced by a majority, or well-nigh a majority, of the population when it is ready to do so and when it has power enough—political power enough—to force that change, just as every other social reform is introduced. So that the practical program of socialism, or the practical problem before Socialists, is to increase their numbers sufficiently to secure that power. They expect to increase their numbers principally from accretions from such part of the population as are interested in their proposed change and as would be economically benefited, or, in other words, by accretions from the working class. And for this reason also it has a direct motive in elevating the physical and mental conditions of the workers. That is, we have found that if you take a worker who is badly underpaid, underfed, ill housed, you can not expect him to develop a social idealism. You can not expect him to grasp a principle of social philosophy. You can not expect him to develop the mental independence and physical and moral courage to battle for a cause and a principle more or less idealistic.

The worker, on the other hand, who may be interested in such a movement of essential idealism, is the one who has some leisure. He has some time to read, to study, to think; who may cultivate the fine and better sides of life. Now, we find in the Socialist movement here, as well as everywhere else, that the main support of the movement comes from the better situated and more intelligent part of the workers. We do not mean to say by that that we encourage a class distinction of workers, but there is a certain stratum of the working class which has been exploited to an extent that it has fallen below the level of even average culture or intellect. And that class, slum, or proletariat, so called, is very rarely accessible to the teachings of socialism or of any other similar movement.

Whereas, on the other hand, the better situated and more intelligent workers constitute the bulk of the Socialist Party membership—The Socialist Party voters here and abroad. And it is for this reason also that it is in direct interest of the Socialist Party to support all movements on the part of the workers tending to improve their condition. The Socialist Party, for this reason, encourages and supports economic organizations and the struggles of the labor movement, of the trade-union movement, in all its forms. It does so in this country; it does so in every other country. It does so for the reason that it realizes the economic organization of labor is practically the main proposition under the present existing conditions; that it serves very largely to raise the standards of life in every direction and to make it better and stronger and healthier and happier, and for this reason it wants to make more intellectual men and women out of them. It supports, for similar reasons, the cooperative movement of the working class and its supports for similar reasons also every other radical reform movement based upon actual economic need and aiming at actual economic improvement.

Now, the Socialist platform, which sets forth the aim ultimate and immediate of the Socialist Party, contains a large number of what we call immediate demands. That is, practical political measures, practical propositions for immediate reform. It is addressed to the national and State legislatures and will show the general direction and mental bent of the Socialist.

If you will permit me to mention a few, I will refer to the platform adopted by the Socialist Party in 1908.

Mr. THOMPSON. I would like to ask you, Mr. Hillquit, a question or two right there.

Mr. HILLQUIT. Yes; go ahead.

Mr. THOMPSON. In reference to the present method, or present industrial situation of the workers, is the program of the Socialist Party limited to such pronouncements as you have there and are about to tell us of, as, say, a program of legislation for the national and State legislatures? Has it, in addition to that, any other concrete machinery or organizations for the carrying out of immediate redress in industrial matters?

Mr. HILLQUIT. Yes; we have the pronounced views of the party on these various problems that are contained not only in the platform but in a number of other resolutions and similar instruments. The practical instruments for the carrying out of our program are as follows: In the first place, we have in the national office of the party an information department consisting of the statistical department, and certain statisticians whose duty it is to assist all elected members of our party in various city councils, State assemblies, and so on, on practical matters. For instance, a new councilman who will be elected in some town for the first time, a Socialist, some measures will come up before the city council, and he will write to the information department and inquire: "Now, what do you think of this measure, or what proper stand do you think I should take, and what should I propose on this or that question in conformity with the Socialist program." And he will receive suggestions and information and perhaps model bills to be introduced, or model ordinances. Then, in addition to that—

Mr. THOMPSON. Are the suggestions that may be given to him obligatory upon him by the party platform?

Mr. HILLQUIT. No; they are purely voluntary, just in the nature of suggestions and advice, nothing more.

Mr. THOMPSON. Relating particularly now to the industrial organization of the workers?

Mr. HILLQUIT. Yes.

Mr. THOMPSON. Has the Socialist Party a program or organization for dealing with them as actually engaged in industry, for instance, in the shops and factories?

Mr. HILLQUIT. No; we don't engage in the economic struggles of the workers, except where such struggles assume a political and general aspect. We do not consider it part of our mission, function, or power to interfere with any detail of economic or organized labor in the shop or in the unions. We would consider that meddling. If this relation of the Socialist Party to the economic labor organizations is of interest to you, I have here a brief resolution adopted by the last convention of the National Socialist Party in 1912, and if you wish me to I will read it to you.

Mr. THOMPSON. Will you read it?

Mr. HILLQUIT. It is very short.

Mr. THOMPSON. I think we might hear it, then.

Mr. HILLQUIT. It is not a page. [Reading:] "Political organizations and economic organizations are alike necessary in the struggle for working-class emancipation. The most harmonious relations should exist between the two great forces of the working-class movement—the Socialist Party and the labor unions. The labor movement of the United States has of recent years made marvelous progress in all directions. It is steadily increasing in numbers and has reached trades and industries which were before unorganized. It has in many instances concentrated its power and increased in efficiency by the amalgamation of related trades into federations and industrial unions. Many unions have opened their meetings before adjournment to the discussion of vital social and political problems of the working class and have repudiated the demoralizing politics represented by the National Civic Federation.

"The organized workers are rapidly developing an enlightened militant class consciousness. The reality of this progress is attested by the increasing virulence with which the organized capitalists waged their war against the unions. This improved economic organization is not a matter of abstract theory, but grows out of the experience of the waged workers in the daily class struggle. Only those actually engaged in the struggle in the various trades and industries can solve the problems of forms of organizations. The Socialist Party, therefore, reaffirms the position it has always taken with regard to the movement of organized labor; First, That the party has neither the right nor the desire to interfere in any controversies which may exist within the labor-union movement over class or form of organization or technical methods or action in the industrial struggle, but trusts to the labor organizations themselves to solve those questions.

"Second. That the Socialists call the attention of their members in the labor unions to the vital importance of the task of organizing the unorganized, especially the immigrant and the unskilled laborers, who stand in greatest need of organized protection and who constitute a great menace to the progress and welfare of organized labor if they remain neglected. The Socialist Party will ever be ready to cooperate with the labor unions in the task of organizing the unorganized workers, and urges the labor organizations which have not already done so to throw their doors wide open to the workers in the respective trades and industries, abolishing all onerous conditions of membership and artificial restriction. In the face of the tremendous powers of the American capitalists and the close industrial and political unions, the workers of the country can win their battles only by strong class consciousness and closely united organizations on the economic field, and a powerful and militant party on the political field, and by joint attack of both on the common enemy.

"Third. That it is the duty of the party to give moral and material support to the labor organizations in all the defensive or aggressive struggles against capitalists' oppression and exploitation for the protection and extension of the rights of the waged workers and the betterment of their material and social conditions.

"Fourth. That it is the duty of the members of the Socialist Party who are eligible to membership in the unions to join and be active in the respective labor organizations."

Mr. THOMPSON. Going back to the original question again, while it is the attitude of the Socialist Party, or, rather, they appreciate that the underfed and underpaid and overworked people are not apt to develop that intelligence that is necessary to understand a rather elaborate social philosophy or program such as the Socialist Party has, yet when it comes to dealing with the subject of greatly shortening the hours, increasing the pay, bettering the working conditions, they have no definite organization of their own, and do not go directly and specifically into industry, but leave that to the trade unions whose general purposes they, as a party, endorse?

Mr. HILLQUIT. Yes, sir.

Mr. THOMPSON. And rather keep to the field of political action as it may present itself for the carrying out of the general program, such as the municipalization of a gas plant or street railroad, or so on; or generally—

Mr. HILLQUIT. Principally, but not exclusively; that is, the Socialist Party is a political party, primarily, but it is not a political party in the sense in which the old parties are, but is exclusively political.

The Socialist Party is also an educational institution or organization. And, in addition to that, it does take an active part in the economical struggles where they assume a general character, for instance, in cases of a large and extensive strike, the Socialist Party does actually support. It supports them by means of money contributions, supports them by means of speakers, sending them into the fields, and supports them also by its press. Now, there is a point which is perhaps not generally appreciated: The Socialist Party has better facilities, probably, for reaching the non-English speaking population of the country than any other social organization. We have papers printed in most every language spoken in the United States, over 30 languages in this way, and we have speakers in all of those languages. Now, in a strike of miners, where perhaps there is a dozen different nationalities involved, one of the great problems is how to help them. Of course, we don't manage the strike. We are not in for that. But we will very cheerfully send speakers in all those languages to the strike region, if requested, or consented, to by the organization having charge of the strike. We will send our literature there, and, of course, we will take a position in support of the strike in all our publications. In other words, we do render active financial, moral, and other support in case of labor struggles, as, say, take, for instance, a case like the Moyer-Haywood trial, or similar legal transactions against labor leaders by reasons of the connections with labor troubles, say, where the light is drawn pretty generally, the Socialist Party will join in such a movement in defense of the class. It has done so time and time again.

Commissioner GARRETSON. Is it not true that the declared position of the Socialist Party to-day—is it not true that the attitude you have described is the only one which you could consistently take, because active effort by committees or otherwise to perform functions would be by you regarded as only a temporary makeshift until a reversal of the system had been effected?

Mr. HILLQUIT. I must confess I don't quite understand the question.

Commissioner GARRETSON. In other words, that the declaration that was laid down as the basic one of the Socialist Party, you could not consistently from the standpoint of the party, deal under the present methods on any other than a makeshift basis, you would only regard it as patchwork and not as real betterment?

Mr. HILLQUIT. I would not say that; I would say that I consider every real betterment, as a real betterment, and as, perhaps, leading to the final solution and to the radical cure, but I do not consider it as a complete cure. In other words—

Commissioner GARRETSON (Interrupting). It would only be grafted upon the present system?

Mr. HILLQUIT. I don't say that at all. It might change the present system gradually into a new and better system; it is not grafting upon it. In other words, our attitude toward real and lasting reform, such as the proper factory legislation, proper protection of working men by social insurance, and similar measures, is not a makeshift for us or in our eyes. We consider it as very valuable, very substantial.

Commissioner GARRETSON. You very evidently misunderstood the scope of my question. Applied only to wage and working conditions is what I intended to apply it to. In other words, you work for the abolition of the wage system?

Mr. HILLQUIT. Well, we work to-day for the improvement of labor conditions, and we work ultimately for the abolition of the wage system.

Commissioner GARRETSON. And therefore you would regard betterment in those things just as of a temporary character until you attained the whole object?

Mr. HILLQUIT. Oh, no; one of the means. We would consider it as one step in the direction of our aim.

Commissioner GARRETSON. Helping it along?

Mr. HILLQUIT. We would consider it in this way, Mr. Garretson: If I have set out to earn \$100, and if I had done part of my work and earned \$10, I

would not consider that as a makeshift or patchwork, but would consider it as a part realization of my ultimate object.

Commissioner GARRETSON. Part of the \$100?

Mr. HILLQUIT. Yes.

Chairman WALSH. At this point the commission will adjourn until 2 o'clock. Return here at 2 o'clock sharp, without further notice.

AFTERNOON SESSION.

Chairman WALSH. The commission will please come to order.

TESTIMONY OF MR. MORRIS HILLQUIT—Continued.

Mr. WALSH. Mr. Thompson, it is the conclusion of the commission that in this one particular case they would waive the ordinary rule and let Mr. Gompers examine Mr. Hillquit and Mr. Hillquit examine Mr. Gompers.

Mr. THOMPSON. I assume now that I am substantially through with the questions I have to ask Mr. Hillquit in regard to the application of socialism to the present-day industrial propositions. In other words, I am through with the direct examination.

Chairman WALSH. If it is convenient, then, Mr. Gompers, you may proceed.

Mr. GOMPERS. Mr. Hillquit, in your statement this morning you said that the purpose of the Socialist Party—to help the trade-union movement in the achievement of its purposes; that is, for the material improvement of the condition of the working people.

Mr. HILLQUIT. I did.

Mr. GOMPERS. Has that been the policy of the Socialist Party and with its immediate predecessor, the Socialist Labor Party, of which you are a member?

Mr. HILLQUIT. It has been the uniform policy of the Socialist Party. It has been, I understand, the policy in principle, of the Socialist-Labor Party, although I am inclined to think that the principle was not properly applied by the Socialist-Labor Party for a time.

Mr. GOMPERS. May I be seated to examine, Mr. Chairman?

Chairman WALSH. Oh, certainly, Mr. Gompers.

Mr. GOMPERS. You said, Mr. Hillquit, it has been the policy of the Socialist Party, and substantially its purpose, to work for factory legislation, and legislation of that character. Will you tell the commission in which instances to secure such legislation your party has been active?

Mr. HILLQUIT. The party has been active wherever it has had an opportunity to be active, and more specifically in the following way: Where the party has no representation in the State legislatures, the activity of the party was necessarily limited to the advocacy of such measures, through party organs, papers, the adoption of proper resolutions, and the support of such measures in other ways.

Where the party has representatives in the legislatures of the various States, such attempts have been made by introducing bills for the purpose of efficient-labor legislation and social legislation. In the State of New York we have had one important movement for a measure of labor legislation—one overshadowing, in my mind, all others. That was the movement for the adoption of a proper compensation act. As soon as the agitation sprang up, the Socialist Party initiated a joint conference with the labor organizations and trades unions of this city, including the Central Federated Labor Union of New York, the Central Labor Union of Brooklyn, and several local trades councils, and the Socialist Party. It was this joint conference which was, I believe, instrumental, at least, as much as any other factor, in making the movement for a workmen's compensation act effective; and it was the Socialist Party representatives in that conference who led in the drafting of the proposed compensation act. We had for one term only, a member in the State legislature, and that member, coming from the county of Schenectady, submitted a bill to the legislature along all important lines of factory and social reform. There were measures for State insurance against sickness, industrial accidents, and old-age pensions. There was a measure for limitation of child labor, and there was a measure against the employment of private detective agencies in labor disputes, and many more measures along the program recognized and advocated by the Socialist Party, and also some minor extensions

of the American Federation of Labor. In Wisconsin we have had representation in the legislature for a number of years, and I am free to state that there is not a general measure advocated by the organized-labor movement here, including the American Federation of Labor, which has not found a concrete expression in a proposed measure submitted by the Socialist representatives in that assembly. The same holds true of every other State in which we had representation. For instance, even the State of Washington, I noticed recently a statement of all the measures proposed, supported and worked for by the Socialist representatives, and they cover the whole range of Socialist and labor legislation. The same holds true, of course, in a large measure—in a larger measure—in all countries upon the European continent where socialism is a political factor and a strong political factor.

Mr. GOMPERS. Are you through?

Mr. HILLQUIT. I am through.

Mr. GOMPERS. The workmen's compensation bill, now a law of the State of New York—did the Socialist Party have a hand in the framing of that bill?

Mr. HILLQUIT. The Socialist Party had at that time no representation in the legislature.

Mr. GOMPERS. I am asking you whether you took any part, whether the Socialist Party took any part—whether the Socialist Party took any part in the framing of that bill.

Mr. HILLQUIT. It did not and could not, and if it could have done so, the bill would have been very much better and more efficient than is. [Laughter.]

Mr. GOMPERS. Do you know that the workmen's compensation law of the State of New York is the most comprehensive and generous of any law on the statute books of this or of any other State or of any country on the face of the globe?

Mr. HILLQUIT. No; not of any other country, Mr. Gompers. It is, I believe, one of the very best in this country. It is far from doing social justice to the workers, in my opinion.

Mr. GOMPERS. It has not established the cooperative common wealth.

Mr. HILLQUIT. Nor has it established a proper compensation act.

Mr. GOMPERS. Now, then, do you note that the workmen's compensation act was drafted by authority and direction of the New York State Federation of Labor?

Mr. HILLQUIT. Yes; after the New York State Federation of Labor had received a good deal of valuable instruction on the subject from the Socialists. I know something about it, Mr. Gompers. [Laughter in the audience.]

Chairman WALSH. We must keep order, ladies and gentlemen, and it will not be proper to make any demonstration at any time.

Mr. GOMPERS. Who gave that instruction? What did that instruction consist of?

Mr. HILLQUIT. Why, when we first met the representative of the State federation of labor, Mr. Gompers, we found that the majority of the members did not even know what workmen's compensation stood for or meant, and we have had a sort of class there, and I remember it very well, and when finally it dawned upon them and they had their first draft prepared, which was so woefully inadequate that we urged strongly Mr. McDonald, who then supported the American Federation of Labor, to withdraw it and redraft and remodel his bill. It was not done at that session of the legislature, and nothing passed. Then the other bill passed, which was declared unconstitutional by the court of appeals, and when finally the present bill was prepared it came very much closer to our original drafts and specifications.

Mr. GOMPERS. Do you know that there was a meeting in the assembly hall of the New York Legislature where the joint committees of the legislature had hearings and demonstrations in regard to the workmen's compensation bill now a law?

Mr. HILLQUIT. I appeared before one of those hearings on workmen's compensation.

Mr. GOMPERS. I refer to the hearing by the joint committee of both houses of the legislature.

Mr. HILLQUIT. Appointed by Gov. Hughes. It was the first and only. The Walnwright Commission—is that it?

Mr. GOMPERS. No, sir; you are quite in error, Mr. Hillquit. That is—pardon me; I have no right to say that. But I refer to the workmen's compensation bill when Mr. Sulzer was governor.

Mr. HILLQUIT. Yes. I know nothing about this particular commission, for I was not in the country at that time. I know of the original subject that was brought up by the Wainwright Commission, and that at that commission the Socialist Party was officially represented by your humble servant and one or two more, and that we urged our views on the commission, which were in favor of an effective and broad compensation act, and which, I believe, received some consideration.

Mr. GOMPERS. Was the Wainwright Commission created by an act of the Legislature of the State of New York?

Mr. HILLQUIT. Yes.

Mr. GOMPERS. Was that urged by a socialist party?

Mr. HILLQUIT. Was that urged by the Socialist Party?

Mr. GOMPERS. The creation of this commission?

Mr. HILLQUIT. The Socialist Party was very much in favor of the creation of such commission. It did not happen to be in power, and could not appoint a committee.

Mr. GOMPERS. Do you know that the American Federation of Labor has gone on record for more than 10 years in favor of a workmen's compensation law for the States and for the Federal Government?

Mr. HILLQUIT. I have no fault to find with the American Federation of Labor in its attitude on workmen's compensation. I think that is one of the things that the American Federation of Labor did properly.

Mr. GOMPERS. Do you know what the Socialist Party contributed toward that end?

Mr. HILLQUIT. I know it contributed a good deal in the lines in which it could contribute. I know that the Socialist Party had expressed itself in favor of workmen's compensation or State insurance of workers in case of accidents much longer than 10 years, and even before the American Federation of Labor took it up, and I should not be surprised if the American Federation of Labor was somewhat directly influenced by that socialist propaganda in taking it up.

Mr. GOMPERS. Do you know of the efforts of the Socialist Party in the United States in securing workmen's compensation for the Government employees of the United States?

Mr. HILLQUIT. I would not specify Government employees. The Socialist Party of the United States pronounced itself in favor of workmen's compensation generally, drafted a model workmen's compensation act, sent it to all State secretaries of the organization and all locals, with the recommendation to make a special propaganda of it, and in 1910, I believe, passed a resolution urging the various local organizations of the Socialist Party to concentrate their efforts upon workmen's compensation.

Mr. GOMPERS. Mr. Hillquit, I have no desire to curb you in any way, but where you can answer yes or no, that does no violence to your position, it would be proper, and if exemplification or amplification is necessary, why, it would be better to do it then.

Chairman WALSH. Wherever an answer yes or no can be given, give it first, Mr. Hillquit, and then take all the time you need to explain your answer.

Mr. HILLQUIT. Perfectly well satisfied. I did not know my friend Gompers was so legally technical.

Mr. GOMPERS. I would like to have some definite answer to a definite question.

Mr. HILLQUIT. Very well, Mr. Gompers.

Mr. GOMPERS. What assistance, if any, was given by the Socialist Party to the creation of a Bureau of Mines for the protection of the lives and health and conditions of the miners?

Mr. HILLQUIT. The same assistance as the assistance given in other similar measures, that of propaganda for it.

Mr. GOMPERS. Did the Socialist Party aid in securing the enactment of a law for uniform couplers on cars on railroads?

Mr. HILLQUIT. I do not think that question specifically ever came up before the Socialist Party.

Mr. GOMPERS. Did the Socialist Party ever take any part in securing vestibules for the street railway men?

Mr. HILLQUIT. The Socialist Party never took part in special propaganda or special legislation affecting certain special trades, considering that to be fully within the province of the organized workers within that particular trade or industry.

Mr. GOMPERS. Did I understand you correctly to say this morning that the Socialist Party always was and is now in favor of the trade-union movement, the labor-union movement?

Mr. HILLQUIT. You understood me correctly.

Mr. GOMPERS. Do you recall or do you know that at the convention of the American Federation of Labor in Detroit the Socialist Party insisted upon representation in that convention as a political party?

Mr. HILLQUIT. That was when, Mr. Gompers, 1896, was it?

Mr. GOMPERS. About that time.

Mr. HILLQUIT. About that time?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. I know that the Socialist Party that then existed claimed representation in the convention of the American Federation of Labor through membership in the Central Federated Union in New York, and such representation was not granted to them. The Socialist Party never claimed such representation.

Mr. GOMPERS. They felt outraged at such an exclusion?

Mr. HILLQUIT. The Socialist Party did not feel outraged at such an exclusion because the Socialist Party never sought representation.

Mr. GOMPERS. Did the Socialist Party ever inaugurate a movement to supplant and be in rivalry with the American Federation of Labor?

Mr. HILLQUIT. The Socialist Party very emphatically did not. The Socialist-Labor Party at one time conceived the notion of forming an organization of trades unions in opposition to the American Federation of Labor, and constituting a distinct Socialist economic organization, and this act on the part of the Socialist-Labor Party brought about a split within the party, and the Socialist Party of to-day was organized largely on that issue and because it did not agree with that policy.

Mr. GOMPERS. The Socialist Party which you now represent before the commission is the successor of the Socialist-Labor Party as it existed?

Mr. HILLQUIT. It is the successor of that part of the Socialist-Labor Party which rebelled against the labor policy just mentioned by you. And those who were opposed to the policy seceded and formed the new Socialist Party.

Mr. GOMPERS. The Socialist-Labor Party is still in existence?

Mr. HILLQUIT. The Socialist-Labor Party is still in existence.

Mr. GOMPERS. Do you think the members of the Socialist-Labor Party would agree with you in saying it is still nominally in existence?

Mr. HILLQUIT. I don't know. They represent the same proportion as the I. W. W. represent to the American Federation of Labor.

Chairman WALSH. In round number, how many members are there in the United States of the Socialist Party?

Mr. HILLQUIT. One hundred and fifteen thousand dues-paying members.

Chairman WALSH. And how many of the Socialist-Labor Party, do you know?

Mr. HILLQUIT. I estimate about 1,500.

Chairman WALSH. Where do you get that estimate?

Mr. HILLQUIT. Pretty much from the Socialist-Labor Party. The last time they published or gave out a statement of the membership it was between two and three thousand, and they have fallen off, as noticed by the referendum and other indications.

Mr. GOMPERS. Who was the candidate of the Socialist Party for President of the United States in 1912?

Mr. HILLQUIT. Mr. Eugene V. Debs.

Mr. GOMPERS. Who was in 1908?

Mr. HILLQUIT. Likewise.

Mr. GOMPERS. And in 1902?

Mr. HILLQUIT. 1902, likewise. That is, there was no presidential candidate when you think of it in 1902.

Mr. GOMPERS. 1904?

Mr. HILLQUIT. In 1904 it was Debs.

Mr. GOMPERS. Is it unfair to assume that the candidate of your party for the Presidency of the United States expresses the views of the party? Is he the party spokesman, the standard bearer?

Mr. HILLQUIT. It is entirely unfair to assume, in view of the expressed position of the party itself on the subject. In other words, Mr. Gompers, when the Socialist Party, in convention assembled, officially takes a stand on its relation to organized labor, no individual member of the party, no matter what his position, can nullify or modify that stand.

Mr. GOMPERS. Do you know that Mr. Eugene V. Debs was present at the first annual convention of the organization which formed the so-called Industrial Workers of the World?

Mr. HILLQUIT. I do.

Mr. GOMPERS. Have you read any of his speeches during that convention?

Mr. HILLQUIT. I have read some.

Mr. GOMPERS. Do you regard his expressions as being friendly or in favor of the trades-union move, the American Federation of Labor?

Mr. HILLQUIT. As I understand his position, his attitude is not friendly toward the leaders of the American Federation of Labor. His attitude is more friendly toward the members of the American Federation of Labor. At the same time one and the other are his personal views to which he is entitled.

Mr. GOMPERS. When Mr. Debs says: "The American Federation of Labor has numbers, but the capitalist class do not fear the American Federation of Labor. Quite the contrary." Do you regard that utterance as a friendly expression for the American Federation of Labor?

Mr. HILLQUIT. I do not, nor do I regard it as an authorized utterance of the Socialist Party.

Mr. GOMPERS. Speaking of the American Federation of Labor, and some Socialist, he says: "There are those who believe that this form of unionism can be changed from within. They are very greatly mistaken." Do you agree with Mr. Debs on that utterance?

Mr. HILLQUIT. Do I agree? I do not agree. I think, on the contrary, the American Federation of Labor is being forced, and will be forced more and more, to gradually change its form of organization, to adjust itself to more modern industrial conditions.

Mr. GOMPERS. I read this as an obscure expression of opinion. Mr. Debs says in that speech: "There is but one way to effect this change, and that is for the working man to sever his relation with the American Federation."

Mr. HILLQUIT. Yes. I do not agree with that, nor does the Socialist Party agree with that. And, to make our position clear once for all, Mr. Gompers, I will say it will be quite useless to quote Mr. Debs in his attitude to the American Federation of Labor. Mr. Debs took part in the organization of the Industrial Workers of the World. I think he has now lived to regret it, but whether he does or not the fact of the matter is he acted entirely on his own accord and on his own responsibility; that the Socialist Party at no time approved, directly or indirectly, of that stand; and at no time have they indorsed the Industrial Workers of the World as against the American Federation of Labor. And I will say further that the Socialist Party at no time had any substantial criticism of the American Federation of Labor, although I am just as frank to add that the Socialist Party, at least in the majority of its members do believe that the present leadership of the American Federation of Labor is somewhat archaic, somewhat antiquated, too conservative, and not efficient enough for the object and purposes of the American Federation of Labor. That is the position.

Mr. GOMPERS. Of course as to the leadership, that must be determined; the leadership of the American Federation of Labor, I assume, must be determined by the membership and the organization as it can best give expression to its preference.

Mr. HILLQUIT. Entirely so.

Mr. GOMPERS. Are you aware that the leadership to which you refer has been elected and reelected by practically unanimous vote for several years past?

Mr. HILLQUIT. We do not contest the election nor the legitimacy of holding office. We only wish they were a little more abreast of the time, and would keep pace with industrial conditions.

Mr. GOMPERS. As opposed to Mr. Debs, you would not oppose the leadership—

Mr. HILLQUIT. If you will read all, read it all, you will find that his position is largely, if not exclusively, on account of the loose leadership as he sees it. And I reiterate once more that it is his individual stand.

Mr. GOMPERS. You have said that it is his individual stand, yet the speech in which I refer and in which he asks and urges the workmen to leave the American Federation of Labor was made some time in June or July, 1908, and Mr. Debs was twice made the standard bearer of the Socialist Party as candidate for President of the United States since that time.

Mr. HILLQUIT. Yes, sir. He was. There was absolutely no reason why he should not be, in view of the fact that the party itself had at some time in

1904 very explicitly declared its stand on organized labor, and it did not have to apprehend that any of its representatives may misrepresent its attitude.

Mr. GOMPERS. Do you know that Mr. Debs has, within these past weeks, issued a document in which he urges the secession of two of the largest organizations from the American Federation of Labor, for the purpose of destroying the American Federation of Labor?

Mr. HILLQUIT. I do. May I add, Mr. Gompers, that this likewise was wholly and fully his own initiative and on his own responsibility, and in no way approved of or condoned by the Socialist Party. We tolerate liberty of expression and speech and opinion within the Socialist Party, you know.

Mr. GOMPERS. Do you regard that as the individual expression of opinion, when a man thrice the candidate of a political party urges that a movement be inaugurated to dissolve the only general federation of organized workmen that ever existed for a period of time, such as the American Federation of Labor?

Mr. HILLQUIT. I regard it purely as the literal expression of a man of the Socialist Party who never places its program, its views, into the hands of any individual candidate. It speaks for itself in convention.

Mr. GOMPERS. And the candidate for the Presidency of your party does not express, then, the sentiments and the views of the party itself; is that the inference to be drawn from your answer?

Mr. HILLQUIT. You may draw this inference, that inasmuch as the candidate of the Socialist Party for the Presidency, or otherwise, deviates from the principles of the Socialist Party, he does not speak for the party, but speaks entirely on his own responsibility.

Are you still quoting Mr. Debs?

Mr. GOMPERS. Perhaps. Would you hold the same line of conduct to apply to, say, Mr. Taft, who was the candidate for President of the United States, nominated by the Republican Party?

Mr. HILLQUIT. No, sir; because the Republican Party has no declaration of general principles, attitude to labor unions, and no general social philosophy, and no general social use of any kind, and its candidate for President necessarily expresses the views of the party. The Socialist Party is entirely different in this respect.

Mr. GOMPERS. Would you say the candidate of the Prohibitionist, the President, the candidate for President, if he were to make a declaration that was inconsistent with what the party would hold, would you regard that as simply his individual expression of opinion?

Mr. HILLQUIT. The candidate for President of the Prohibition Party, if he were to take a drink, I would not say that the Prohibition Party was committed to the drink evil.

Mr. GOMPERS. I prefer not to bring in the personal habits of any man. I don't know that that is illuminating or contributory to the discussion.

Mr. HILLQUIT. I did not mean to be personal, Mr. Gompers.

Mr. GOMPERS. The question as to the candidate for President of the Prohibition Party is nothing to me. I was speaking of personal declarations. Supposing I, as president of the American Federation of Labor, were to go upon the platform and give expression in a speech, or if I had written an editorial in the American Federationist, urging the dissolution of the American Federation of Labor—

Mr. HILLQUIT. Of the Socialist Party, you mean? To apply your analogy.

Mr. GOMPERS. Evidently you want to bandy words with me rather than to answer the question.

Mr. HILLQUIT. Go ahead.

Chairman WALSH. Wait until the question is finished and then answer, if you can.

Mr. GOMPERS. Supposing Mr. Gompers, president of the American Federation of Labor, were upon a public platform or in articles contributed to the labor press, would advocate the dissolution of the American Federation of Labor, would you regard that as a personal expression of my own?

Mr. HILLQUIT. I would, decidedly, and with all due respect to you, Mr. Gompers, your analogy does not apply. If you were the president of the American Federation of Labor—if you as president were to advocate a dissolution of the American Federation of Labor, without such resolution having been passed by the federation, I certainly should not say that you voiced the sentiments of the American Federation of Labor.

Furthermore, if you were to do that, you would speak strictly on a subject within your own jurisdiction. If you take your analogy with Mr. Debs, as the leading member of the Socialist Party, advocate certain changes in the American Federation of Labor; if you as the President of the American Federation of Labor, were to advocate a change or dissolution in or of the Socialist Party, you would be in an analogous position, and I certainly would not regard that as an official expression of the American Federation of Labor. Furthermore, you, Mr. Gompers, for instance, have taken a stand very often hostile to the Socialist Party. I do not regard that as the official expression of the American Federation of Labor, for I know that the membership, or a very large portion of it, holds different views. That does not come within your domain as president of the American Federation of Labor, although you, as an individual, are perfectly at liberty to hold such opinions, and the Federation, as such, does not in any way discipline you for holding such an opinion. There is your analogy.

Mr. GOMPERS. Mr. Hillquit, these speeches which you have made a thousand and one times—

Chairman WALSH. I would not get into any arguments. Mr. Gompers, with the witness, but just question him. When you go on the witness stand, he is going to ask you questions, and I suppose you can make some when you come to go on there.

Mr. GOMPERS. All right, Mr. Chairman. Now, of course, Mr. Hillquit, you understand that in each of the articles or editorials which I have written and published in the American Federationist, all of them have been caused by the defensive attitude which the American Federation has been forced to take against the aggressiveness and hostility of the Socialist and Socialist-Labor Party and Socialist Party?

Mr. HILLQUIT. I don't think so at all, Mr. Gompers. If you ask me my understanding of it, my understanding of it is that those articles have been caused by your fear of the increasing growth of socialism in the ranks of the Federation. That is my understanding of it.

Mr. GOMPERS. Well, of course, you would not attribute to me very great fear of anything, would you?

Mr. HILLQUIT. Of anything?

Mr. GOMPERS. Of anything.

Mr. HILLQUIT. If you want my opinion, Mr. Gompers, I should say you are a very brave man, but you do hate to see the American Federation of Labor turning socialistic.

Mr. GOMPERS. The reason I do so is the result of conviction—

Chairman WALSH. Mr. Gompers, please do not get into an argument with the witness now. You can go on the witness stand, and he will examine you, and you will have the same latitude of stating your views. But just ask him questions, please.

Mr. GOMPERS. Mr. Debs, in his speech to which I have referred before, said: "I appeal to you to ally yourselves with the economic organization which embraces your entire class." He referred to the Industrial Workers of the World, organized in 1905. Will you give me your judgment as to the extent to which that organization embraces the entire working class?

Mr. HILLQUIT. Of the world? Not very much, Mr. Gompers. It was the fond hope of the organizers, which I never shared, that it would; but it did not.

Mr. GOMPERS. He says further: "I would appeal to you to declare yourselves here and now to be for once and forever true enough to yourselves to join the only industrial union that is absolutely true to you—the I. W. W." And the stenographer put "loud applause." Will you give your opinion of that statement?

Mr. HILLQUIT. My opinion is the same that I have given you before. I think Mr. Debs was carried away by his enthusiasm when he thought he could create an artificial organization to embrace all the workers joined in one great industrial union. I think his views of trade unionism are not sound. At any rate they are not those of the Socialist Party, and they are not mine, and you might find just as well 200 quotations from his speeches as 5 on that subject.

Mr. GOMPERS. Mr. Debs said: "Now, we, the Socialists, who have organized the Industrial Workers, have had enough of this kind of experience. We have quit the old unions."

Mr. HILLQUIT. I presume he has had enough, Mr. Gompers; I don't speak for others.

Mr. GOMPERS. Isn't it true that at the last convention of the Socialist Party, held at Indianapolis, Mr. Karl Legien, of Germany, was urged to be in attendance in order that he might help present the introduction and passage of a resolution hostile to the trade-union movement?

Mr. HILLQUIT. It is not. Mr. Legien was asked to be present as a prominent Socialist and as the international trades-union secretary, in order to deliver an address to the workers on the experiences of the Socialists of Germany and the workers in their mutual cooperation, which he did, and did very well.

Mr. GOMPERS. Do you know at the time when the Socialist Party convention was about to be held Mr. Legien was lecturing under the auspices of the American Federation of Labor?

Mr. HILLQUIT. Yes; that was about the most progressive thing that the American Federation of Labor ever did.

Mr. GOMPERS. And do you know that he asked permission from the American Federation of Labor that he might cancel a few engagements already made, so that he could go to attend the Socialist Party convention for the purpose I indicated by my first question?

Mr. HILLQUIT. I don't know the specific engagements. I know that Mr. Legien came here primarily on the invitation of the American Federation of Labor, in which the Socialist Party joined, and the understanding was that he was first to lecture for the American Federation of Labor, and then for the Socialist Party.

Mr. GOMPERS. The New York Call is one of the official journals of the Socialist Party, is it not?

Mr. HILLQUIT. Not official, but a Socialist paper.

Mr. GOMPERS. Recognized socialistic paper?

Mr. HILLQUIT. Yes.

Mr. GOMPERS. Speaking with some degree of authority?

Mr. HILLQUIT. Editorially, mostly speaking with some degree of authority.

Mr. GOMPERS. This appeared in it, in the issue of December 16, 1909: "Don't like the I. W. W.? Well, don't kill the kid. He will grow, and we shall need him in our business by and by, and possibly sooner than many of us believe."

Mr. HILLQUIT. Yes; now, Mr. Gompers, did that appear as an editorial or as a contributed letter by some reader?

Mr. GOMPERS. I can't say, sir.

Mr. HILLQUIT. I can help you out, Mr. Gompers. It was never part of an editorial. That was one of the many letters sent to the Call from all sorts of writers, which the Call publishes in full, just as the Evening Globe does, without taking any responsibility for it.

Mr. GOMPERS. In a work entitled "Industrial Union Movement"—the preface of it is written by C. H. Kerr, a prominent American Socialist, a member of the party and a large publisher of socialist literature—in which he says: "As Marxian students of evolution, we (Socialists) recognize that economical concentration has made trade-unions obsolete, and that the principle of industrial unionism socialism must be adopted in the near future."

Mr. HILLQUIT. What do you want to know with reference to that, Mr. Gompers?

Mr. GOMPERS. Is that a Socialist expression in favor of the American labor movement, the American labor union movement?

Mr. HILLQUIT. Why, it might be. The expression comes from Mr. Kerr as a preface to Industrial unionism. Industrial unionism was a pamphlet, I think, published by Mr. Haywood and Moyer, and indirectly led to Mr. Haywood's recall from the national executive committee of the Socialist Party. It never represented the accepted views of the Socialist Party. It seems to me that the passage that you read may be crude, but it contains, to my mind, a good deal of sound truth. In other words, what it means is that the industrial evolution in this country has been such as to bring the industrial—larger—generally all-embracing organization of production to the front, and under such circumstances the trade unions evidently will have to adjust themselves and become organized on an industrial basis, and where the American Federation of Labor might not say it in so many words I think it has felt it, and I think it is undergoing a process of change in its organization now in just that very direction.

Mr. GOMPERS. Have you read—you read the proceedings of the American Federation of Labor fairly carefully, don't you, Mr. Hillquit?

Mr. HILLQUIT. Yes; quite well.

Mr. GOMPERS. Did you read the proceedings of the Rochester convention of the American Federation of Labor held in that city in 1912?

Mr. HILLQUIT. Yes; I did, Mr. Gompers.

Mr. GOMPERS. Did you read the declaration of the executive council of the American Federation of Labor on the subject of "Industrial unionism"?

Mr. HILLQUIT. I presume so; but I don't recall it.

Mr. GOMPERS. It didn't make any sufficient impression upon your mind that you can now recall it?

Mr. HILLQUIT. No; but if you will be kind enough to just bring my attention to the point you have in mind, I suppose I shall remember it.

Mr. GOMPERS. I hand you a copy of that report.

Mr. HILLQUIT. Thank you.

Mr. GOMPERS. And which, Mr. Chairman, I hope, may be marked as an exhibit now, or that when I am a witness before the commission I shall have the opportunity of presenting it in my own evidence.

Chairman WALSH. What is it?

Mr. GOMPERS. A report made by the executive council of the American Federation of Labor to the Rochester convention of that federation November, 1912. I ask Mr. Hillquit whether he had kept informed upon the work of the American Federation of Labor and he said that he did.

Chairman WALSH. And do you recognize that as being the paper described?

Mr. HILLQUIT. Yes; and I—

Chairman WALSH. And you can testify that it is authentic and that is what it is?

Mr. HILLQUIT. Oh, yes; it is that.

Chairman WALSH. Very good; let it go in evidence at this time.

(Received and marked "Hillquit's Exhibit A.")

Hillquit Exhibit A, a pamphlet entitled "Industrial Unionism in Its Relation to Trades Unionism," a report of the executive council of the American Federation of Labor to the Rochester convention, 1912, was submitted in printed form.

Mr. HILLQUIT. And I think I remember the contents pretty well, now, Mr. Gompers, after looking it over.

Mr. GOMPERS. Mr. Hillquit, you have seen that pamphlet which I handed you and which is a reprint of the report of the executive council to the Rochester American Federation of Labor convention. You will find also a reprint in that same pamphlet of the report of the committee to which this declaration was referred and the action of the convention thereon.

Mr. HILLQUIT. Yes.

Mr. GOMPERS. Now, as an advocate of industrial unionism, will you point out to the commission that from which you dissent?

Mr. HILLQUIT. Why, but Mr. Gompers, I don't dissent. I stated, on the contrary, that the American Federation of Labor is rapidly and irresistibly drafting an industrial organization, and I am very glad of the process.

Mr. GOMPERS. Of course, we are all, when there is anything good done, no matter how or by whom or under what circumstances, it affords us all satisfaction, but that is not the question.

Chairman WALSH. What was the question, whether or not he dissented from anything said in there?

Mr. HILLQUIT. In what view I dissented.

Chairman WALSH. Do you dissent?

Mr. HILLQUIT. I do not dissent.

Chairman WALSH. That answers it.

Mr. GOMPERS. Then, sir, if you don't dissent from the declaration of the American Federation of Labor upon the subject of industrial unionism, will you please tell the commission how it comes that Mr. Debs and other Socialists, whose names, many of whom I can mention at this time, advocate the dissolution of the American Federation of Labor on the question of industrial unionism?

Mr. HILLQUIT. I can not answer for the operation of the mind of Mr. Debs or anybody else, but I may point out the following: First, that the first declaration on industrial unionism adopted by Mr. Debs and his colleagues when organizing the I. W. W. was adopted in 1905, and the declaration of the Federation of Labor was adopted in 1912, seven years later. That is, the American Federation of Labor once more followed in the wake of the Socialist agitation. The next point, Mr. Gompers, is that I understand the difference between the industrialism advocated by you and the industrialism advocated by the I. W. W., or particularly by Mr. Debs, is this, that the industrial form of organization which you advocate consists of a federation of similar crafts or trades

within one industry not organically united to cooperate with each other in matters of common interest, and that the industrial form of organization advocated by Mr. Debs is an organic union of all crafts employed and embodied within one industry.

Mr. GOMPERS. You know, I had already questioned you upon the declarations made by Mr. Debs in 1905?

Mr. HILLQUIT. Yes.

Mr. GOMPERS. And my last question has reference to the article written by Mr. Debs appealing to the unions within these past two weeks to secede and support the American Federation.

Mr. HILLQUIT. You have asked me that before, Mr. Gompers, and I have answered before that the Socialist Party is not sponsor for those plans, and that the Socialist Party is as directly responsible for it as the American Federation of Labor would be for an expression of an executive member of its board on religion.

Mr. GOMPERS. In that article addressed to the United Mine Workers of America and to the Western Federation of Miners, it says the American Federation of Labor as an aggregation of craft unions has outlived its usefulness.

Mr. HILLQUIT. I don't agree with this opinion.

Mr. GOMPERS. I want to call your attention to the fact that the same article is published in the United Mine Workers' Journal in the Western Federation of Miners' official magazine, the Miners' Magazine. In the latter it is published without comment. In the United Mine Workers' Journal it is published with an introduction of an editorial note strongly dissenting from that view, and that editorial, on page 4 of the United Mine Workers' Journal of Thursday, May 11, 1914, which has the heading of which I shall read is, "Secession not the way to unity." Do you agree with the view expressed by the editor of the United Mine Workers' Magazine in that heading?

Mr. HILLQUIT. Yes. The United Mine Workers' Journal, of course, which prints a comment and the magazine of the Western Federation of Miners, are your organs; that is, they both belong to the American Federation of Labor.

Mr. GOMPERS. Yes, and Debs advocated the secession of both those organizations from the American Federation of Labor, they to form the bodies to call a convention of all organizations and form what he calls an industrial union—one big union to take the place of the American Federation of Labor.

Mr. HILLQUIT. I am inclined to agree, Mr. Gompers, with the editorial you mention. I don't believe secession from the federation is the way to reform. I think the A. F. of L. is fully capable of progress in the (logicals), and I believe it is one of the functions of the Socialist Party to carry on such education and enlightenment as possible within the ranks of the A. F. of L., and I have no doubt at all that ultimately the members of the A. F. of L. will be just as enlightened and progressive as members of any other organization, no doubt.

Mr. GOMPERS. Of course those who are so thoroughly educated that they can learn nothing, know it all, and we are not of that character.

Mr. HILLQUIT. The leaders of the A. F. of L. are not of that character.

Chairman WALSH. That is not a question and really has no place in the record.

Mr. GOMPERS. Mr. Chairman, nor was that an answer, nor was the statement made by Mr. Hillquit a pertinent answer to my question.

Chairman WALSH. I don't think so either.

Mr. HILLQUIT. Pardon me one moment, the chairman of the commission having agreed with the questioner, I must take exception to it. The question was, if you will recall, do you agree with this editorial or the thought expressed in it. That certainly called for an answer as to whether or not I agreed with those views, and upon what ground, and I do not see why my answer was not perfectly responsive. It would be if tested by the strictest rules of evidence, and I think it should be in this commission.

Chairman WALSH. I may be wrong. I made an offhand decision to get through with it. It is generally leading to an argument of a rather extraneous nature.

Mr. HILLQUIT. Yes; but an opinion called for must be expressed.

Mr. GOMPERS. I say just this, that this may appear as rather long drawn out, but I think that if the commission, since it has entered into this domain, it will obtain more fundamental information upon the constructive work of the American Federation of Labor movement and the destructive tactics employed by other elements than can be obtained in any other way. If you did not care to have this discussion opened at all, opened up wide, it might have

been better than that it had not been opened up at all. I am perfectly willing to submit myself to the examination of Mr. Hillquit. He is a lawyer; I am not. I have no parchment nor diploma of which I can boast. Simply the plain ordinary experience of a working man who has tried to learn something, and I have, as I said this morning, when it comes to me being on the stand, I play this game with my cards down and face up, nothing to hide, nothing to equivocate, nothing to evade, and everything that this commission will want to know in connection with the American Federation of Labor will be spread before you.

Chairman WALSH. You may proceed.

Mr. GOMPERS. Conceding the fact that the American Federation of Labor and its rank and file and its officers are learning a bit, now, in view of the declaration on industrial unionism adopted by the convention of the American Federation of Labor in 1912, I ask you what dissent you have to make, as a Socialist believing in industrial unionism, what dissent you have to make against this declaration.

Chairman WALSH. Without in any way undertaking to limit this examination, or to shorten its scope in any way, I am going to rule that the question has been fully answered by the witness, that he dissents in no way whatever, and he gave an explanation, if I am correct.

Mr. HILLQUIT. May I reply to that, Mr. Chairman? May I just add this?

Chairman WALSH. Unless there is some dissent from the commission, I will rule that that question has been asked and answered. You may proceed now to another question.

Mr. GOMPERS. Mr. Chairman, I must yield, of course, even if I desire not to.

Chairman WALSH. Certainly.

Mr. GOMPERS. And I yield, and I hope I may do so gracefully, and I do. May I suggest this to your honors, that after the witness has said that he has no dissent to express from the declaration, he then said further that upon this very subject we need education from him and his associates.

Mr. HILLQUIT. No; I have not.

Chairman WALSH. I have passed upon that.

Mr. GOMPERS. Do you know Mr. William English Walling?

Mr. HILLQUIT. Slightly.

Mr. GOMPERS. How slightly.

Mr. HILLQUIT. I have spoken to him a number of times, seen him a few times; I am not intimately acquainted with him.

Mr. GOMPERS. But you know of him?

Mr. HILLQUIT. Oh, yes.

Mr. GOMPERS. And you have read some of his writings, have you not?

Mr. HILLQUIT. Yes.

Mr. GOMPERS. He is a member of the Socialist Party?

Mr. HILLQUIT. I believe he is; I am not sure. He surely was. Whether he is now I don't know.

Mr. GOMPERS. You don't know now?

Mr. HILLQUIT. No; he is not in the city of New York.

Mr. GOMPERS. Do you know that in the New York Call on December 11, 1909, he said: "The Socialist Party has become a blessing and a byword with the actual wage earners of America. It is becoming the party of two extremes: On the one side are a bunch of intellectuals like myself and Spargo and Hunter and Hillquit; on the other is a bunch of never works, demagogues, and would-be intellectuals, and veritable lumpen proletariats. The average wage earners, the men who are really doing the class struggle, are outside. Above all else we must have the union man. No one has denounced the efforts of the American Federation of Labor more than I, but I am forced to recognize that it comes much nearer to representing the working class than the Socialist Party, and unless we are able to shape our policy and our organization as to meet the demands and incarnate the position of the workers we will have failed of our mission." Do you assent or dissent from the expression of Mr. Walling on that subject?

Mr. HILLQUIT. With a few qualifications I assent. With one correction, Mr. Gompers. You got mixed up in your text somewhat. That is not an expression by Walling. That is an expression by A. M. Simons, writing a private letter to Walling, which Walling then published, although he had no business to publish it. It is a heart to heart talk, such as, perhaps, you might have with another intimate member on the A. F. of L. board. I believe it contains exaggerations. I believe the reference to the lumpen proletariat is grossly exaggerated. I think the reference to the intellectuals is somewhat unjust. I

think, however, the sentiment—that is, the statement that the Socialist Party must seek to obtain the support of the working class of this country is absolutely correct, absolutely true. The Socialist Party has been working along those lines for a number of years and has so far fairly well succeeded, and, I suppose, will succeed more.

Mr. GOMPERS. Do you recall a statement appearing in the New York Call of November 28, 1909, made by Mr. John Spargo, in which he said: "In furtherance of the ambitions of a few men of small minds, and even smaller hearts, the whole movement is being dragged into the mire, and the heart of every sincere Socialist sickens with shame at the spectacle. No depth of degradation and dishonor has been reached by any capitalist party in its sordid strivings, which has not also been attained by American Socialists."

Mr. HILLQUIT. I recall that passage. I think it is a bit rhetorical; but we always do resort to self-criticism, which results in a process of purification and improvement.

Mr. GOMPERS. What was the attitude of the Socialist Party, then in existence, toward the American Labor Union formed by Mr. Debs?

Mr. HILLQUIT. The American Labor Union, if you will permit me to correct you, was not formed by Mr. Debs. The Socialist Party's attitude toward the American Labor Union was no different than its attitude toward the I. W. W. The Socialist Party, as such, did not take any sides in the quarrel between the American Labor Union and the A. F. of L.

Mr. GOMPERS. Did not Mr. Debs and his associates of the American Railway Union form the American Labor Union?

Mr. HILLQUIT. They did not.

Mr. GOMPERS. Are you quite sure of that?

Mr. HILLQUIT. I am pretty sure, and I am surprised that you are not. The American Labor Union was formed by the western hotel and restaurant employees by the Western Federation of Miners and, I think, by the western metal workers, or something like that, at a convention of those organizations. The American Railway Union developed into the brotherhood of something or other which published a paper of its own, and then developed into the Socialist Democracy of America.

Mr. GOMPERS. This morning you expressed views which seemed to indicate that you believed in the constant, gradual improvement, material improvement—of the conditions of the working people, and also of the things which should be encouraged for the attainment of the ultimate ends of your party or your philosophy?

Mr. HILLQUIT. Yes, sir.

Mr. GOMPERS. Then, is it your opinion that the declaration is true, that the present social system is inevitably converting the workers into a propertyless proletariat, possessing nothing but their labor powers, is productive of an increase of misery, oppression, enslavement, debasement, and exploitation.

Mr. HILLQUIT. Why, I think the passage in the main is correct. It was written about 50 years ago by Mr. Marx. It has been the subject of a great many controversies just as to what he meant by "misery, degradation," and so on; but it is the general consensus of Socialists' opinion that the process of the making of a propertyless class of workers is on the increase; that the working class, on the whole, gets proportionately a lesser share of the general national wealth from year to year; but that absolutely there is a noticeable improvement in the conditions of at least a large section of the working class.

Mr. GOMPERS. In your explanation as to the condition of the social system—the conditions of society under socialism, you spoke of the industries which have practically become socialized and been taken over in their operation and control, and that smaller industries, with smaller tools and owned by the individual, would not come under that control, ownership, or management, but that they would be left to the individual—did you not?

Mr. HILLQUIT. I said, there is nothing in the Socialist problem requiring collective ownership of purely individual industries not based upon hiring or exploitation of labor.

Mr. GOMPERS. That declaration—how long since has that distinction been made as between all the means of production and distribution and the definition which you now give?

Mr. HILLQUIT. A very long time ago, Mr. Gompers.

Mr. GOMPERS. I mean, authoritatively?

Mr. HILLQUIT. Authoritatively? I think authoritatively there never has been any different conception; it was first clearly expressed, as far as I can think of it, by Karl Kautsky about a dozen years ago or so.

Mr. GOMPERS. How long has it been since that declaration has been made by the American Socialist Party?

Mr. HILLQUIT. There has not, at any time, to my knowledge, been a specific or formal declaration made; but my understanding is that it has always been the theoretical conception of the American Socialist Party.

Mr. GOMPERS. The American Socialist Party has always declared until quite recently for the nationalization of all of the means of production and distribution, has it not?

Mr. HILLQUIT. I don't think the word "all" occurs in any exposition of the principles of the party.

Mr. GOMPERS. But by the omission of the word "all," and without any qualification in there, nevertheless no other inference could be drawn from that declaration, could it?

Mr. HILLQUIT. Not in my view, I would not say that was true.

Mr. GOMPERS. Suppose I should say that this court room belonged to the State of New York or the city of New York; it would not be necessary for me to say that all the entire court room belonged—

Mr. HILLQUIT. No; not in that connection, but I should think that it would be a somewhat unfortunate phrase if I should say that Mr. Gompers could be heard by the people in the audience. It would not necessarily imply that he could be heard by all.

Mr. GOMPERS. For instance, if you put it this way: The Socialist Party demands the nationalization of the means of production and distribution. The absence of the word "all" there would not at all minimize the extent, would it?

Mr. HILLQUIT. By my conception of it, Mr. Gompers, and I can only report that—I can give you only my understanding of it. I should say that the Socialist Party has always stood for the collective ownership of social tools of production and distribution.

Mr. GOMPERS. As a matter of fact, isn't it so? We need not quibble—

Mr. HILLQUIT (interrupting). I am not quibbling.

Mr. GOMPERS. Isn't it so that it has been only within the past two or three years that the Socialist Party has made that distinction—"socialized industry"?

Mr. HILLQUIT. No, Mr. Gompers; you may have noticed it within the past two or three years, but the entire Socialist philosophy is based upon the conception that the tools of the work have become social in character and consequently its philosophy is based upon this social character of the tools, and never the individual.

Mr. GOMPERS. I refer to the declaration excluding any private property—

Mr. HILLQUIT (interrupting). There was no such exclusion at any time. Private property in actual process of consumption has always been recognized and sanctioned by the Socialists at all times; and as to the means of production, it is not my understanding, and I think I am more or less conversant with the literature on the subject, that it ever was intended to embrace in that the individual tool or the individual industry.

Mr. GOMPERS. Take, for instance, the boot and shoe industry; you used to find and still find that there are shoemakers and bootmakers who work on artistic work—artistic shoemaking and making the whole shoe—in which there are but few tools. If the boot and shoe industry became socialized and owned and controlled, would there be a separate arrangement for the artistic boot and shoe maker?

Mr. HILLQUIT. Now, Mr. Gompers, I don't see any reason in the world why the artistic boot and shoe maker should not continue to be the artistic boot and shoe maker, individually, under socialism. I don't take it there would be any socialization of the individual shoe; at least, I should not wear it, if it did, if I knew it at that time.

Mr. GOMPERS. The answer, of course, is quite germane.

Mr. HILLQUIT. To the question.

Mr. GOMPERS. Do you regard it as a fact that in the United States "the bourgeoisie has converted the position of the lawyer, the priest, the poet, the man of science into its paid wage laborers"?

Mr. HILLQUIT. Why, it is somewhat exaggerated, but substantially true. I could speak about the lawyers. [Laughter.]

Mr. GOMPERS. Do you believe that the statement, quoting again from Socialist authority:

" Chattel slavery is dead; a greater slavery has grown up in its place; wage slavery is so much greater than slavery as the white people in this country are more numerous than the black people "?

Mr. HILLQUIT. I think that is substantially correct.

Mr. GOMPERS. Do you agree with the estimate that in the United States the number of men out of work are more than 5,000,000?

Mr. HILLQUIT. At some time or another, I believe the census of 1900 gives the number of partially employed during the year at 6,000. Correct? Six million, I believe.

Mr. GOMPERS. Which authority?

Mr. HILLQUIT. The 1900 census; number of men unemployed during all or part of the year; at some time unemployed. Is that correct?

Mr. GOMPERS. Do you regard the communists' manifesto of Marx and Engels as on the whole correct; as correct to-day as ever?

Mr. HILLQUIT. That was published in 1847. Written in 1847 and published in 1848.

Mr. GOMPERS. Do you regard the general principles laid down in that manifesto as on the whole as correct to-day as ever?

Mr. HILLQUIT. The general principles, on the whole, yes. The details, perhaps not.

Mr. GOMPERS. Do you accept or repudiate the term, or the idea, of communism?

Mr. HILLQUIT. The name of communism as applied in the communist manifesto signified something entirely different from what it signifies now, and has been so stated by the author of the communist manifesto. What the author of the communist manifesto meant by the term " communist " is what we mean to-day by the term " Socialist."

Mr. GOMPERS. I should judge from the testimony you gave this morning that you do not accept the theory of cataclysm coming as a means to bring about cooperative commonwealth?

Mr. HILLQUIT. I do not believe in the cataclysm theory; no, sir.

Mr. GOMPERS. Your answers would indicate that the Socialists' predictions of several years ago have scarcely been verified, including the inability of any government either to destroy or regulate the corporate existence of capital, such as trusts.

Mr. HILLQUIT. The question is, whether I admit that this prediction was wrong.

Mr. GOMPERS. I simply want, if I can, to have you verify, or rather restate, by yes or no, or in such a way as you may care, as to whether this is to be in our society a revolutionary, continuous improvement in the condition of the workers to whatever may be a goal or a constant improvement?

Mr. HILLQUIT. You asked two questions there, Mr. Gompers. As to the ability of the Government to regulate or destroy business corporations or trusts, I still believe that the Government is quite incapable of doing so. As to the process of gradual improvement, I believe in it. But whether such process of gradual improvement will lead up eventually to socialism without any social or political disturbance or civil war or otherwise, I don't know.

Mr. GOMPERS. Do you not see a departure from Marx's conception in the development of the joint-stock company?

Mr. HILLQUIT. Decidedly not. On the contrary, an affirmation of his theory of the concentration of capital.

Mr. GOMPERS. Then, you think that the growth and ownership of the joint-stock company is a refutation of the theory of the development of the capitalist classes, or Marx's theory of the capitalist class?

Mr. HILLQUIT. I don't think so. On the contrary I think, as I said, it is an affirmation of it—the proof of it.

Mr. GOMPERS. Do you regard the population of the United States as divided into a small master class and a vast servant class?

Mr. HILLQUIT. No such conception was ever expressed by any authoritative offer. What you read from the communist manifesto says that the population tends to develop into such two classes. It has been by far not reached; it has not reached that point in the United States.

Mr. GOMPERS. Do you believe that the children of the working class are doomed to ignorance, drudgery, toil, and darkened lives in the United States?

Mr. HILLQUIT. Very largely, Mr. Gompers.

Mr. GOMPERS. As a matter of fact when you say that we have grown, or are growing into a material improvement in the general condition of the

working people, and the people generally, it does not conform to your latest answer. What is true, your latest answer or your answer this morning?

Mr. HILLQUIT. Both are absolutely true. We have improved somewhat, but our improvement is nothing as compared with what will come. I presume, as president of the American Federation of Labor, you know that we still have the evil of child labor with us, and in an abominable large extent.

Mr. GOMPERS. I have been admonished that I must not argue with you, and I have no desire to do so; but I want to call your attention to the fact that you said just now that you agreed largely with this statement:

"The children of the working class are doomed to ignorance, drudgery, toll, and darkened lives."

If you say that this is a fact, how does it conform with your statement this morning of the general gradual improvement of the working class, and that means, of course, that it includes the children?

Mr. HILLQUIT. If you will read the document further, you will get your answer. The children of the working class are doomed to the lives described unless something very radically is done to relieve them from it.

Mr. GOMPERS. Do you believe, Mr. Hillquit, in collective bargaining between workmen and their employers?

Mr. HILLQUIT. I do.

Mr. GOMPERS. During the pendency of an agreement, it may prevent workmen from honorably asking for an increase in wages in the event of industrial conditions improving. It also has the tendency, does it not, to prevent reductions in wages being made in the event of a falling off in the trade?

Mr. HILLQUIT. I think it has both, and the principal consideration, in my mind, is that the practice of collective bargaining tends to cause the workers to unite and to act collectively, and the employers likewise, and the struggle between them, or negotiations between them will better organize. And it also tends to strengthen the solidarity of the workers.

Mr. GOMPERS. Do you know that several sections of the Socialist Party and labor papers—their official papers—encouraged, aided an organization known—a small organization known as the United Boot and Shoe Makers, in opposition to the Boot and Shoe Workers' International Union?

Mr. HILLQUIT. I think you are going back again to the old days of the S. L. I. That is when the struggle occurred.

Mr. GOMPERS. I asked you whether you had noticed us having occurred within these past three months?

Mr. HILLQUIT. No, sir.

Mr. GOMPERS. It could have occurred without your knowing it?

Mr. HILLQUIT. Oh, yes; I can not control the 300 socialist papers we have in this country.

Mr. GOMPERS. I understood that you have no control?

Mr. HILLQUIT. I say I can not control, so your understanding is right.

Mr. GOMPERS. I say, I understood you had no control at all.

Mr. HILLQUIT. No.

Mr. GOMPERS. Is it not true, Mr. Hillquit, that the radical movement in Europe has been greatly changed in the past 20 years?

Mr. HILLQUIT. You mean the Socialist movement?

Mr. GOMPERS. Let me put the question in this form: Is it or is it not a fact that the radical movement in Europe has been greatly changed in the past 20 years, mainly in this respect—I want to read them, and then if you should desire that I read them separately, I shall be very glad to do so.

Mr. HILLQUIT. Yes, sir.

Mr. GOMPERS. One. In general recognition of working for democratic rule, as the first necessary step for the masses.

Two—would you prefer to answer now?

Mr. HILLQUIT. I would rather hear them all.

Mr. GOMPERS. Two. Consequently, in concentrating political effort, or obtaining a uniform suffrage for male citizens, with just representation in legislative bodies and an influence in administration proportionate to the powers of the people in general.

3. In conducting the struggle of the masses in European countries to obtain rights long exercised by the citizens of the United States.

I think you will find it necessary to answer, unless you agree to them all. However, I shall proceed.

In abandoning the theory of the inevitable social cataclysm predicted by Marx and falling into line with the labor movement of Great Britain and the

United States, the first step being toward trade-union organization, which, in Germany, has come to dominate all great branches of the social movement of the masses in the adoption and energetic promotion of the plan of voluntary cooperation, the necessary function of which is independence of the State.

If you prefer, I shall halt here.

Mr. HILLQUIT. You may as well.

The socialistic movement abroad has not materially changed or modified its methods within the last 20 years. It has changed its practical methods somewhat. It always does. It learns from experience. It is not any more conservative to-day than it was 20 years ago. It has struggled for political rights and suffrage always, since the existence of an organized Socialist movement in Europe. Some of its demands are for rights which we in the United States already possess—political rights. Others are for demands which we do not possess, as, for instance, proportional representation.

On the economic field, the Socialist parties in Europe are, as a rule, considerable in advance of the labor movement here in their demands, for the simple reason that they have accomplished more than we have accomplished here. The cooperation of the Socialist parties with the trade unions is by no manner of means a novel feature. It always has existed and, in continental Europe, most of the trade unions were directly created, organized, and called into life by the Socialist parties. The German trade-union movement does not play a dominant part in the labor movement of Germany. It is coordinated with the Socialist movement, except that they organized social democracy. It is somewhat more authoritative in their joint counsels.

What else have you there, Mr. Gompers? Have you any other questions that I have not answered?

Mr. GOMPERS. I want to ask you—you say that the demands of the organized workers of Germany are far in advance of these of the United States. Are the material conditions of the working people of Germany higher and better than they are in the United States?

Mr. HILLQUIT. I think they are decidedly better, in that they are more secure. I think the worst feature of labor conditions in America is the insecurity of existence—the question of stability—and I think that has been largely obviated in Germany through a comprehensive system of social insurance, which takes care of the workers in case of sickness, in case of permanent disability, in case of accident, and in case of old age.

I also think the problem of unemployment is not as acute among German workmen as it is among American workmen. And, taking it all in all, I think that the German workman is considerably better off than the American workman.

Mr. GOMPERS. Supposing the representatives of the German workmen disagree with that view, would you think you would have cause to revise your judgment?

Mr. HILLQUIT. No, sir; that alone would not cause me to revise my judgment, because it would imply that those American or German labor leaders had a better knowledge of the conditions of workers, both in Germany and the United States, and until I could verify that I would not revise my judgment.

Mr. GOMPERS. Have you read Mr. Legien's book, which he has recently published?

Mr. HILLQUIT. Formerly minister to the United States?

Mr. GOMPERS. As to the rights of German workers, do you know that meetings that are now being held, when held in Germany, they must be under police authority?

Mr. HILLQUIT. Yes, sir; all political meetings of any kind, and it is very objectionable, but it is not half as bad—

Mr. GOMPERS. Now, you are arguing with me.

Mr. HILLQUIT. No, sir; I am answering.

Mr. GOMPERS. I am asking you as to the conditions in Germany.

Mr. HILLQUIT. It is a broad question, Mr. Gompers, I can not always answer just so as to please you.

Mr. GOMPERS. If you do not answer at all—

Mr. HILLQUIT. Your question was about the conditions of the German workmen with reference to the right of suffrage and free speech, was it not?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. My answer to that is, that in Germany the workers, not as workers, but as citizens, are subject to certain police supervision in all of their political meetings. And I say, with all that, they exercise on the whole

greater freedom of speech and greater guaranty of security, for Germany has never had a case like Colorado or West Virginia or similar cases.

Mr. GOMPERS. Do you know that in Germany any meetings held that they permit no language to be spoken at any meeting other than the German language?

Mr. HILLQUIT. I don't think they know any other language but German. But, really, Mr. Gompers—

Mr. GOMPERS. I suppose that we, all of us, can be facetious if we want to.

Mr. HILLQUIT. Occasionally.

Mr. GOMPERS. But I asked you this question: Whether it is a fact.

Mr. HILLQUIT. I understand that the police authorities, present at every political meeting in Germany, have the right to close the meeting in case of certain, say, seditious utterances, and that for that purpose they must be familiar with the language the speaker uses, and the police have the right to prohibit the use of a certain language.

Mr. GOMPERS. I agree with you in your remarks as to Colorado, but I do not as to the German proposition. Do you know that the German trade-unions are forbidden by law to deal with any political question?

Mr. HILLQUIT. Not any political question, as far as my knowledge of it goes, which, I must confess, is limited. I know that the trade-unions deal with political questions in Germany; that they support the Socialist Party of Germany officially.

Mr. GOMPERS. I will ask you again, sir—

Mr. HILLQUIT. My answer is, I don't know.

Mr. GOMPERS. If, for instance, I say to you, sir, that quite recently the American Federation of Labor asked a representative of the German trade movement to transmit a communication for international peace to other countries and the officer of that organization could not comply with that request without violating the law and threatening the existence of the organization, do you regard that as liberties having been larger attained in Germany than in the United States?

Mr. HILLQUIT. I would not regard those instances as one of the particular liberties to the citizens of Germany by any manner or means.

Mr. GOMPERS. It would not be an infringement upon the liberty of the German workmen, the German citizen?

Mr. HILLQUIT. It would be.

Mr. GOMPERS. Supposing I tell you that actually occurred?

Mr. HILLQUIT. I should be very much interested.

Mr. GOMPERS. I will tell you that it did.

Mr. HILLQUIT. I thank you.

Mr. GOMPERS. In Germany there is considerable immigration from adjoining countries, particularly from Italy, surrounding countries, and, well, I think, coming from the Balkans, this last year or so. The police have nurtured and encouraged the strike breakers' employers imported into Germany, and by reason of the fact that the police have given them card permits, which are required to be renewed periodically, and when any one of those men becomes converted to the cause of the workmen in contention their cards, permits, are revoked and they are deported to their country. Do you see the influence that would have upon the condition of the class struggle among the workmen in Germany?

Mr. HILLQUIT. Yes, sir; decidedly.

Mr. GOMPERS. Inasmuch as the speaking of a foreign language at any public meeting is forbidden, do you see the effect and influence it will have upon poor workmen who have been brought from one place to another and into Germany and held in that benighted position?

Mr. HILLQUIT. I see that, Mr. Gompers.

Mr. GOMPERS. You would not regard that as a very great liberty?

Mr. HILLQUIT. I would infer from that that they still have capitalists in Germany also.

Mr. GOMPERS. Of course, that is contributory to the statement; but I suppose we have not forgotten that fact—I don't suppose we can be permitted to forget that, but if you will permit us to forget that fact; I do not want you, Mr. Hillquit, to imagine that by my questions I am making comparisons that are indistinguishable to any other country, or that I am purblind or do not understand the wrongs or the outrages committed here, but I would ask you, as the representative, the authorized representative, of the Socialist Party, to bear in mind that when you speak of greater liberty and better conditions of the German

workman as the result of the movement of Germany's workmen that you ought to have these facts in mind, and I ask you whether you have?

Mr. HILLQUIST. I have this in mind, that when I spoke of better conditions it was the question of material conditions. That was what you asked. When you go into the point of political institutions and political liberty you deal with Prussia, which is a kingdom, and Germany, which is an empire, and the United States, which is a republic. But I do wish to reiterate that statement, that with the Socialists' representatives in the Reichstag, 111 of them, and the Socialist trade-unions in Germany, during such particular outrages as we had here—and I do not have to mention them again—could not have occurred in Germany. That is all.

Mr. GOMPERS. Haven't they occurred in Germany?

Mr. HILLQUIST. They have not.

Mr. GOMPERS. The right of meeting is forbidden, and the workmen yield; when they do that there is no conflict?

Mr. HILLQUIST. They have not killed women and children in Germany, and the Government of Germany has not tolerated it; but when there is a rude attempt on the part of some soldiers upon one crippled burman, the entire nation stood against them, and the Socialist faction in the Reichstag brought about almost the solution of that subject.

Mr. GOMPERS. The incident to which you refer has an entirely different application, and was a public official and not a workman.

Mr. HILLQUIST. A shoemaker.

Mr. GOMPERS. Isn't this the fact, that in the United States, the workman having become impregnated with the fundamental principles of liberty, propose to exert those rights and, as compared to the willingness of workmen of other countries, to yield rather than to assert—

Mr. HILLQUIST. It is not a fact, because the workmen you refer to, the workmen we have in mind, have not had time to become impregnated with any so-called habitual American spirit. They were Bohemians, Hungarians, Italians, and Austrians of all kinds, a very short time in the country. The attitude of the militia they began resenting when they began being burned alive and climbed to death.

Mr. GOMPERS. There is nothing in resenting a wrong and an outrage.

Apart from the establishment of the cooperative commonwealth wherein does the purposes of your movement differ practically from the social reform movement which is carrying out corrections and improvements on the present social system, with the aim of complete social justice, and a maximum of possible liberty and happiness for mankind, such as the American labor movement? The American trade union movement, the American Federation of Labor?

Mr. HILLQUIST. Mr. Gompers, I have not been trying to establish any differences between the Socialist movement and the labor movement. On the contrary, it seems to me, you have been trying to establish them and vainly. The Socialists see a difference in degree only, but they see absolutely no antagonism between the activities of the Socialist movement and the labor movement, or economic movement. On the contrary, I want you to understand they claim that they go very well hand in hand; that each of them can exist and thrive with the support of the other, and we are perfectly willing to lend our part of the support, Mr. Gompers. Whatever little criticism we have of leaders or methods are purely in the nature of friendly criticism, and we are not here, or anywhere else, to criticize the organized labor movement of this country, particularly as against the public at large. We consider them as part of the labor movement, and consider ourselves as a part of the labor movement.

Now, Mr. Gompers, permit me to say this—may I, Mr. Chairman?

Chairman WALSH. If it is any statement other than a question, I wish you would defer it until such time as you take the witness stand, Mr. Gompers.

Mr. GOMPERS. What is your opinion, Mr. Hillquist, upon the general strike for the subversion of the present system?

Mr. HILLQUIST. I think it is Utopian. I don't think it is a feasible or realizable proposition at all. I think that whenever the workers of this country are ready to go into a general strike in order to change the general system, they will be intelligent enough and sufficiently organized to change the system directly by legislative methods.

Mr. GOMPERS. Legislative methods?

Mr. HILLQUIST. If they are strong enough to win out by a general strike, they will be strong enough to take hold of the machinery of Government and produce that change of system without any general strike.

Mr. GOMPERS. What do you mean by legislation—the enactment of law?

Mr. HILLQUIT. The enactment of a law, a decree, an ordinance, or any other mandate which can be executed.

Mr. GOMPERS. Expropriating property of all who may hold it to the Government or the cooperative commonwealth.

Mr. HILLQUIT. I have not said, "Expropriate." It may be a question of purchase.

Mr. GOMPERS. Well, say—take hold—

Mr. HILLQUIT (interrupting). Take hold—take control and possession of.

Mr. GOMPERS. Well, by revolution?

Mr. HILLQUIT. Oh, I suppose it would probably be called a revolution anyhow, but it may be a very peaceful one, I don't know.

Mr. GOMPERS. By confiscation?

Mr. HILLQUIT. Not as we are inclined at present. At present we are in the market for buying out the capitalists.

Mr. GOMPERS. By compensation?

Mr. HILLQUIT. By compensation. However, again, Mr. Gompers, I do not guarantee the acts of the next generation. The capitalists may become very naughty and the people may become very displeased with them, and may take things, just as we took the negro slaves from the owners.

Mr. GOMPERS. You have an idea that the taking might be for compensation?

Mr. HILLQUIT. Might be; yes.

Mr. GOMPERS. Have you an idea how such a proposition could be financed?

Mr. HILLQUIT. How it could be financed? We haven't reached that point yet, Mr. Gompers—

Mr. GOMPERS (interrupting). No.

Mr. HILLQUIT (continuing). I suppose that if paid, it will be paid by some Government securities.

Mr. GOMPERS. I think—I take it that you are not in favor of what is generally known by the capitalists as State socialism—State socialism?

Mr. HILLQUIT. Yes; I am not.

Mr. GOMPERS. Not even as a step toward a democratic socialism?

Mr. HILLQUIT. Why, if it were State socialism, it would not be a step toward democratic socialism?

Mr. GOMPERS. Under socialism, are not the present differences within the socialist parties in the United States significant of fatal differences in the management of a revolutionized society?

Mr. HILLQUIT. No; not fatal differences, Mr. Gompers. We have some differences of opinion within the Socialist Party, sometimes lively ones. I hope you have them in the American Federation of Labor. But we, nevertheless, manage to keep our organization to work for a common purpose. I presume there will be strong differences of opinion, and some fights, even under socialism. There have been in the American Federation of Labor. I should not want it to be otherwise.

Mr. GOMPERS. I mean as to liberty. Under socialism will there be liberty of individual action, and liberty of choice of occupation and liberty of refusal to work?

Mr. HILLQUIT. Plenty of it, Mr. Gompers.

Mr. GOMPERS. I take it that you have no apprehension that under the democratic management of socialism, the administrators could or would attempt to exploit the workers under them, and one set of laborers would exploit another set; the lazy office holders, the industrious artisans; the strong and bolder, the weaker and more modest ones; and the failures, the economically successful.

Mr. HILLQUIT. Why, I think there will be some abuses of some kind appear. Even under socialism men will still remain human, no doubt. But I think, Mr. Gompers, we have every reason to believe that they will be very small and slight, as compared to present abuses, for the system is based on a greater democracy and self-government, and provides for means of remedy; and furthermore, there is no great incentive to corruption such as we have under capitalism and private gain.

Mr. GOMPERS. In the event that the cooperative commonwealth should be established, taking it for granted for the sake of the question, that it is possible, it would mean or have for its present purpose, the highest material and social and moral improvement of the condition of the workers attainable at that time, would it not?

Mr. HILLQUIT. I think so.

Mr. GOMPERS. And would there be any higher aim after that is established?

Mr. HILLQUIT. Oh, there would be plenty more. There will be new aims coming every day.

Mr. GOMPERS. Still more?

Mr. HILLQUIT. Still further.

Mr. GOMPERS. Still higher?

Mr. HILLQUIT. Still higher.

Mr. GOMPERS. Now, if that is so, isn't it a fact that it is not at all a goal but simply a transitory ideal?

Mr. HILLQUIT. Sure; it is our present goal, and it is transitory. There will be a forward movement to-morrow.

Mr. GOMPERS. In other words, you think even if that condition of affairs should be possible, it, like the conditions of to-day, is transitory and continually tending toward improvement?

Mr. HILLQUIT. Sure enough.

Mr. GOMPERS. And not a goal?

Mr. HILLQUIT. Not an ultimate goal. There is no such thing as an ultimate social goal.

Mr. GOMPERS. In the socialist state, would you have each worker rewarded by the full product of his labor, or by an apportionment of the product according to his demands? In other words, would the rule be, to each according to his deeds, or to each according to his needs?

Mr. HILLQUIT. I think neither, strictly speaking. I don't suppose his socialist régime would at once and very radically change established conditions. I think it would have to grow up and be built up on the existing basis. And I think it would largely be a question of salaries and wages, as nearly as possible, in proportion to the usefulness of the workers—all of them greater than today, because it would include the profits to the workers.

Mr. GOMPERS. So, as a matter of fact, then, if the cooperative commonwealth is not a goal, is not an end, then why term it socialism, and why not term it the ordinary, natural development of the human race to a higher and better state of society?

Mr. HILLQUIT. We do term it the ordinary and natural development of the human race to the point of socialism. In other words, Mr. Gompers, you divide the history of mankind pretty arbitrarily into certain periods. You say the period of slavery, the period of feudalism, the period of capitalism. Now we foresee the next step in development, called the period of socialism. You can not draw a line of demarkation where it starts out or where it vanishes. It is certainly not permanent. There will be something superior to that some time. In the meantime every stage of development is superior to the preceding stage; and by the same token capitalism is superior to feudalism. Socialism is superior to capitalism. That is all.

Mr. GOMPERS. You simply apply it as a term.

Mr. HILLQUIT. Sure—a term denoting —

Mr. GOMPERS (interrupting). And not an end.

Mr. HILLQUIT. Not an ultimate end in social development; no.

Chairman WALSH. Any members of the commission desire to ask Mr. Hillquit any questions?

Commissioner BALLARD. I should like to ask him a question or two.

Chairman WALSH. Mr. Ballard, Mr. Hillquit, would like to ask you some questions.

Commissioner BALLARD. You were speaking of the conditions of socialism and of the workers under it being different from the present. If we had an ideal condition of socialism, would not there be some of the people who would be workers, some of the people who would still be managers, under any condition of socialism?

Mr. HILLQUIT. They would all be workers and some would be engaged in the management and supervision and some in the manual work and some in the mental work. No doubt there would be a division of functions.

Commissioner BALLARD. But you would not allow any, no matter what their division was, to acquire or have any larger division of the advantages than the lowest worker?

Mr. HILLQUIT. Well, I would not put it that way. We would not permit anybody to enjoy a workless income by virtue of his private ownership of the tool which society needs for its wealth production, for it is certainly recognized that our human nature is diversified and that we have different aptitudes and

different abilities, and the work would certainly be organized and functions divided.

Commissioner BALLARD. And different rewards?

Mr. HILLQUIT. And different rewards, no doubt, for some time.

Commissioner BALLARD. You spoke this morning of the American Federation of Labor and of its being somewhat antiquated in its methods. Could you, in a short time, tell us what changes you would suggest that should come over the American Federation of Labor in order to make it more suitable to the needs of the present time?

Mr. HILLQUIT. I think those changes are coming anyhow. The changes, to my mind, are these: The tendencies, which were shown very distinctly and also recognized by the American Federation of Labor, toward closer alliance and amalgamation of kindred trades and crafts in one. I think the political attitude of the American Federation of Labor is another. I think the American Federation of Labor does not take advantage of the great inherent political powers resting within that organization; and I think by throwing it after one chimera or another and by following the policy, whatever it is, of punishing friends and rewarding enemies, dissipates a good deal of the very great power which organized workers of all countries can have; and I think the direction of farther progress in the American Federation of Labor lies just in this greater solidarity in their organization, greater and closer affiliation of allied bodies, and political independents.

Commissioner HARRIMAN. I want to ask a question or two there, Mr. Hillquit. It has been partially asked by Mr. Ballard, but I did not quite get the answer. Isn't it inevitable that some men, who have superior mentality and driving force, will always go ahead of other men? And if that is so, how are you going to prevent the capitalist class forging to the front and getting into power?

Mr. HILLQUIT. Mrs. Harriman, there is no objection to a person of superior quality or merit getting ahead of the man of inferior quality or merit, or getting, say, a larger reward or compensation. The Socialists' objection is to the men of inferior quality or intellect or of no intellect getting ahead of the brainy man by reason of his ownership of the tools, by reason of capital. You take today, a very kind of a person who happens to be lucky enough to be born to wealth and who inherits a good deal of stocks and bonds; he may be devoid of any brains, of any intellect, but will get a princely income nevertheless, whereas perhaps a foreman or caretaker or some employee may be a very much wiser man and yet get a mere pittance. That is the Socialists' objection.

Commissioner HARRIMAN. Then you do not object to the whole capitalist class—only to individuals of the class who are wealthy?

Mr. HILLQUIT. No; we object to the capitalist class, for that class derives its income without work from the ownership of capital. If any member of the capitalist class can render useful services to society he is entitled to compensation for such services; but we object to any compensation being given to him for his good fortune of being born to wealth and getting dividends, whether he is good or bad, capable or incapable, productive or otherwise.

Commissioner LENNON. Mr. Hillquit, I want you to answer a question a little more elaborately than you have, or than I have understood you. I understood you to say that the coming of Socialism must be through growth, through evolution, through the development of the human race to higher and better conditions, and that they must attain better conditions, so far as their industrial life is concerned, and social life, and their mental activity.

Mr. HILLQUIT. Yes.

Commissioner LENNON. Then you do not believe in the theory that you must grind a man's nose to the extreme before he will rebel and help to bring about better conditions?

Mr. HILLQUIT. By no manner of means; just the contrary.

Commissioner LENNON. Has that not been the theory expressed by a very large number of socialists up to recent times?

Mr. HILLQUIT. It is not. The distinguishing feature between the Socialists, or as we term it more accurately, the Social Democrats, and the Anarchists is that the Anarchists adopt as their motto, "The worse the better." Whereas the Socialists' motto is, "The better the better."

Commissioner BALLARD. I would like to ask you, if you please, one other question. As I gather, you want the tools to be owned by the commonwealth. Would you allow any man by his own efforts to acquire property and allow him to enjoy the use of that himself?

Mr. HILLQUIT. Yes.

Commissioner BALLARD. Would you require that his children should start out the same as any other person's children or would you allow him to pass on his dollars and cents that he had acquired.

Mr. HILLQUIT. In other words, would we allow inheritance under Socialism? Personally I think we probably would. Understand I have no warrant to speak for the future, but under Socialism there would be no private ownership of productive processes, industries, machinery, or any means of exploiting a fellow man. There would be private ownership only in the means of consumption and enjoyment. And society at large is not very much concerned whether you consume your consumable commodities in a year or preserve them for 10 years later or pass them down to your children so long as there is no possibility for the exploitation of your fellow men by the ownership of the social tool—of the instrument of labor—so long, I do not see anything in the Socialist program that would prohibit the use and enjoyment of simple articles and the transmission of them to posterity.

Commissioner GARRETSON. Mr. Hillquit, your theory is, then—I want to get myself straightened—

Mr. HILLQUIT. Get it.

Commissioner GARRETSON. In regard to this question started by Mrs. Harri- man, your theory is that it would be impossible under the system to misuse the ability to accumulate. Is that it?

Mr. HILLQUIT. Yes, sir; that is to—

Mr. GOMPERS (interrupting). In other words, the incentive would be gone for dishonest exploitation?

Mr. HILLQUIT. Exactly; dishonest exploitation or exploitation of any kind. It might be accumulation in consumable articles.

Commissioner GARRETSON. I was simply reciting exploitations with the other adjective.

Chairman WALSH. The commission will now stand adjourned until to- morrow morning at 10 o'clock and will meet in the aldermanic chamber, the room immediately east of this.

(Thereupon, at 1:25 p. m. of Thursday, May 21, the proceedings were ad- journed until Friday, May 22, 1914, at 10 o'clock a. m.)

NEW YORK CITY, May 22, 1914—10 a. m.

Present: Chairman Walsh, Commissioners Lennon, Garretson, O'Connell, Bal- lard, Delano, and Harriman.

Chairman WALSH. The commission will please come to order. All right, Mr. Counsel, we are ready to proceed.

Mr. THOMPSON. I believe the witness, Mr. Hillquit is not here.

Chairman WALSH. We can not wait for him. Just have Mr. Gompers take a seat and examine him.

Mr. THOMPSON. Is Mr. Gompers here?

Mr. GOMPERS. Yes.

TESTIMONY OF MR. SAMUEL GOMPERS.

Mr. THOMPSON. For the purposes of the record, give us your name, address, and occupation.

Mr. GOMPERS. Samuel Gompers, president of the American Federation of Labor, residing in the city of New York; headquarters of the American Federa- tion of Labor are at Washington, D. C.

Mr. THOMPSON. How long, Mr. Gompers, have you been president of the American Federation of Labor?

Mr. GOMPERS. The American Federation of Labor was formed in 1881 in Pittsburgh, when I was elected its first vice president, and, with the exception of two terms, I have been president of the American Federation of Labor from that time.

Mr. THOMPSON. Mr. Gompers, what trades, generally speaking, does the American Federation of Labor include?

Mr. GOMPERS. It covers practically the field of industry throughout the country.

Mr. THOMPSON. And there are no limitations as to membership in it on the part of any body of workers?

Mr. GOMPERS. There is none. The only requirement, in so far as the American Federation of Labor is concerned, is that it shall be composed of wage earners.

Mr. THOMPSON. If you can, Mr. Gompers, I would like you to state the trades which are, as a matter of fact, affiliated, and if you can not, I would like to have you submit at some time that to the commission in written form.

Mr. GOMPERS. I have it in print, sir. The American Federation of Labor print a directory of all the organizations affiliated to it and a list of the organizations which are not affiliated but which are regarded by the American Federation of Labor as having common policies and common policy, even though unaffiliated. I shall in a moment or two submit to you a copy of that directory for such purposes as you may desire.

Mr. THOMPSON. Mr. Gompers, what is the form of the organization of the American Federation of Labor?

Mr. GOMPERS. The American Federation of Labor, as its name implies, is a federation. It is not, as it is often mistakenly called, an organization, but a federation. It is a federation of organizations, each of which has its own government, determined by its own needs and requirements, the result of the experience of the members of the organization; and this right, as in the beginning, has been proclaimed and has been adhered to as consistently as possible in the history of the American Federation of Labor. The federation has no part except that which is yielded and conceded by the organizations which make up the federation.

Mr. THOMPSON. Has the Federation of Labor got a constitution, so called, or any articles or organization?

Mr. GOMPERS. It has.

Mr. THOMPSON. Have you those present, Mr. Gompers?

Mr. GOMPERS. I have, sir.

Mr. THOMPSON. Would you mind giving a copy to the commission?

Mr. GOMPERS. Very glad to hand you one, now, sir. It is the constitution as amended and adopted at the last convention of the American Federation of Labor at Seattle, November, 1913.

Mr. THOMPSON. I will ask the stenographer to mark this "Gompers Exhibit No. 2." a. Exhibit No. 1 will be a list of the affiliated bodies.

(Gompers Exhibit No. 2, booklet entitled "Constitution of the American Federation of Labor" as adopted at the thirty-third annual convention held at Seattle, Wash., November 10-22, 1913, was submitted in printed form.)

Mr. GOMPERS. I can now, sir, give you a list of the affiliated organizations. There are 110 national and international unions. There are, industrially, five departments. There are 42 State federations of labor. There are 623 city central bodies or local city federations of the local trades-unions in the city or town, and there are 612 local trade and federated unions, directly attached to the American Federation of Labor as local unions, and whose chartered existence to the American Federation of Labor will continue so long—until the time that there has been a sufficient number of each particular calling or trade, so that a national union may be formed from these locals and set up in business as a sovereign entity in the trade or the calling or the industry covered by these local unions. I hand you here, sir, a copy of this directory, issued on January 12, 1914, containing the names and addresses of the executive officers of either the national trade-union, the department, the State federation, the central body, or the local and federal labor unions.

Mr. THOMPSON. I give this to the stenographer and ask to have it marked "Gompers Exhibit No. 1."

(Gompers Exhibit No. 1, booklet entitled "List of Organizations Affiliated with the American Federation of Labor," dated January 12, 1914, was submitted in printed form.)

Mr. THOMPSON. Mr. Gompers, how does the organization of the American Federation of Labor express itself? Does it have a convention, or has it got officers?

Mr. GOMPERS. It has.

Mr. THOMPSON. What convention does it hold and what officers has it?

Mr. GOMPERS. The conventions are held annually, and have for many years been held in the month of November of each year. The officers consist of a president, eight vice presidents, a secretary, and a treasurer, the 11 officers constituting the executive council.

Mr. THOMPSON. What jurisdiction and authority does the convention have? Is it the supreme lawmaking body of the federation?

Mr. GOMPERS. It is, to the fullest limit; and yet within the limitations of the authority and power conceded to the federation by the constituent or federated sovereign organizations. If I may be permitted to use the simile that we have formed our American Federation of Labor practically after the make-up of the Government of the United States, both in its Federal jurisdiction and within the Federal limitations the State sovereignty and prerogative and right and the Federal Government, exercising only such powers as are conceded to the United States by the States.

Mr. THOMPSON. The right of secession, Mr. Gompers, however, remains with the local union, does it not?

Mr. GOMPERS. With the affiliated unions.

Mr. THOMPSON. With the affiliated—

Mr. GOMPERS (interrupting). With the affiliated unions. No one can question the local right within the federation of an organization to secede or withdraw. There is a moral obligation, a spirit of camaraderie, a spirit of patriotism, a spirit of endeavoring to be of mutual assistance.

Mr. THOMPSON. In case, Mr. Gompers, of the secession of an international union which has been affiliated with the American Federation of Labor, are any coercive measures adopted by the American Federation of Labor to keep it within the federation or to make it recall the secession?

Mr. GOMPERS. I did not catch the question.

Mr. THOMPSON. In case of the withdrawal or secession of an international union which has been affiliated with the American Federation of Labor, are any coercive methods used by the American Federation—

Mr. GOMPERS (interrupting). None, sir.

Mr. THOMPSON (continuing). To cause the international union to withdraw its secession?

Mr. GOMPERS. None, sir. As a matter of fact, the Western Federation of Miners, for instance, withdrew from the American Federation of Labor about 1896. There were many efforts, many suggestions made to have local unions belonging to the Western Federation of Miners to become part of the American Federation of Labor as local unions. Not only was that discouraged, but the proposal was repudiated. And that is equally true with national organizations which are not affiliated to the American Federation of Labor. The obligation that we feel is that it ought to be the duty of every workman to belong to the union of his trade or his calling, and that it is the duty of a local union or a trade or calling to belong to the national or international union of that trade and calling, and that it is equally the moral duty of every organized body—bona fide organized body—of workmen to belong to the American Federation of Labor; but as to coercive methods, they are not employed.

Mr. THOMPSON. Where an international union, Mr. Gompers, has joined the American Federation of Labor and at the convention resolutions are passed relating to the trade of that international union, and the international union refuses to carry out the order of the convention, what is done then? What power has the American Federation of Labor?

Mr. GOMPERS. It has no powers to enforce its judgment. There is but one instance that I recall in which an organization, having agreed in advance to abide by the decision of the executive council sitting as a board of arbitration—that is, to abide by the decision rendered by the council in a dispute between them and two other organizations, and then when the decision was rendered against it it refused to abide. It was then decided that the organization's charter or its chartered relations with the American Federation of Labor would cease, and it did upon a certain date, and it did so cease; but the organization in a year after reaffiliated upon a declaration by the convention to that effect.

Mr. THOMPSON. And the only actual power outside of moral power that the A. F. of L. has is the power of expulsion from membership; is that right?

Mr. GOMPERS. From membership in the American Federation of Labor.

Mr. THOMPSON. In the American Federation of Labor?

Mr. GOMPERS. Yes, sir. And I ought to say, sir, that that can only be accomplished when upon roll call at the convention of the American Federation of Labor two-thirds of the vote are cast for such revocation of charter or disassociation of that organization from the federation.

Mr. THOMPSON. Mr. Gompers, you have spoken about the moral force of the American Federation of Labor and the allied organizations. Have you found that to be effective in the dealings of the international union, one with another?

Mr. GOMPERS. The most effective of any influence and power. As a matter of fact, the experience of the men in our movement has shown one fact stand-

log out in bold relief, that every movement of workmen which has been made and having a system of government by which power, force, compulsion are attempted to be practiced it has aroused the resentment and repudiation and dissolution, which the effort to exist as a moral force upon the delings of men and of women has exercised a magnificent influence. In other words, they are just human beings. And when men are told that they must do something at the peril of their organized existence, or they must do something at the peril of their personal existence, there is a spirit aroused in men to say, "I shall try to do the very contrary to that you command me to do." If men are appealed to, their better judgment, their better feeling, to righteous course and conduct, they are more ready to yield and do the best that they can.

Mr. THOMPSON. Mr. Gompers, it is true that, under the law of the land no man, a member of no organization, has a right to force another to take a certain action, in a certain action. Isn't that true? I say that no trade-union has a legal right to force a member to go on a strike, for instance?

Mr. GOMPERS. It has not.

Mr. THOMPSON. The sole force, then, that any organization in this country has—yours, as well as others—is the moral force upon its members to take concerted action; isn't that true?

Mr. GOMPERS. Yes, sir; it is.

Mr. THOMPSON. And that that rule applies in every phase of labor organization, and particularly in your organization?

Mr. GOMPERS. Particularly, in the Federation.

Mr. THOMPSON. You have spoken, Mr. Gompers, of the officers and executive council, I believe, of the American Federation of Labor. You have told of its membership. What are its powers?

Mr. GOMPERS. They are an executive committee, an administrative committee, if you please, for the purpose of carrying into effect the conclusions reached at the conventions, and to take such initiative in regard to any matter, particularly legislation upon which the convention had not an opportunity to express itself; to be helpful in any and in every way to any sphere of human activity contributing to the protection, the benefit, the welfare of the people, and particularly of wage earners.

Mr. THOMPSON. Are the powers of this council set forth?

Mr. GOMPERS. Yes, sir; in the constitution, a copy of which I handed you, sir.

Mr. THOMPSON. Now, Mr. Gompers, in a general way, if you know, what is the total membership of the unions affiliated or federated with the American Federation of Labor?

Mr. GOMPERS. In the report which the executive council of the American Federation of Labor submitted to the Seattle convention last November was incorporated the report of the secretary of the federation, Mr. Frank Morrison, and his report is based upon the reports made to his office by the affiliated organizations, and upon which these organizations pay the per capita tax for their respective memberships.

The average membership for the year 1913, Mr. Morrison reported and accounted for as having, upon whom the per capita tax and for whom the per capita tax, was 1,996,004 members. I ought to explain that, because we aimed to avoid any padding of membership by any organization in the last month just preceding the conventions and thereby increasing the voting power of the delegates of any organization.

In 1895 the convention made the change that the representation and voting power in the convention should not be based, as theretofore, upon the last month's payment, but upon the average payment of the organization during the year. If I may be permitted to call your attention at this time to a chart which was prepared for the last convention; this chart, you will observe, contains the membership of the affiliated organizations of the American Federation of Labor, from the date of the formation of the federation in 1881, up to and including 1913.

Mr. THOMPSON. Just a moment. Will you give us a copy of that, Mr. Gompers?

Mr. GOMPERS. I did that with special design, to bring it with me for that purpose.

Mr. THOMPSON. The chart mentioned is offered as Gompers Exhibit No. 3.

(The chart was marked "Gompers Exhibit No. 3," of May 22, 1914.)

The chart mentioned by Mr. Gompers is page 42 of the Report of Proceedings of the Thirty-third Annual Convention of the American Federation of Labor,

held at Seattle, Wash., November 10-22, 1913, published by the Law Reporter Printing Co., Washington, D. C., and was submitted in printed form.)

Mr. GOMPERS. You will observe in that chart the small membership in 1881, and its very slow growth up to 1892; and then that the membership was practically stationary up to 1898, and then in 1899 there was a slight growth. Then in 1900 a still greater growth, and then so on and so on growing until in 1904 there was a recession; that is, the report of 1904 is based upon the year 1903 and 1904, and was the result of the industrial stagnation which existed at that time. But you will observe also that there has been a recession here and there of the membership of affiliated organizations. There was a rise again very shortly after and never—never receding back to the former total of membership. There was a constant, continual growth, until in September last; that is, September 30, 1913, at which time the membership on which the per capita tax was paid to the American Federation of Labor was \$2,054,526. There is an increased membership since then. And you may be interested in the observation of another chart submitted in the same report, which shows the relationship of the various affiliated organizations to the American Federation of Labor, which is rather an interesting chart.

Mr. THOMPSON. Is that in that book, Mr. Gompers?

Mr. GOMPERS. It is, sir.

Mr. THOMPSON. May we have a copy of that book to file?

Mr. GOMPERS. I should be very glad to submit it just as it is.

Mr. THOMPSON. Would you mind giving us the whole book?

Mr. GOMPERS. I will give you the proceedings—well, I don't care. You may have the whole book.

Mr. THOMPSON. Well, at least that to which you are referring. What page is this?

Mr. GOMPERS. That is page 43.

Mr. THOMPSON. That is page 43 of Gompers Exhibit No. 4.

(Gompers Exhibit No. 4, Report of the Proceedings of the Thirty-third Annual Convention of the American Federation of Labor, held at Seattle, Wash., November 10-22, 1913, published by the Law Reporter Printing Co., Washington, D. C., was submitted in printed form.)

Mr. GOMPERS. Before I hand you this, Mr. Thompson, may I explain this chart? You will observe in the chart, in the center of it, the essence, the key, the heart to the federation, the national and international unions. It is they which are the primary factors, the sovereign national and international unions; and there to the left, the five departments created to do the best that each department can for each individual trade or calling, or for the industry interested in the departments. Then there are the 42 State federations of labor to the right; then the 659 local trade and federal labor unions; then the 621 city central bodies; then the 317 local councils—that is, of the trades primarily represented in these departments; and then again, right at the bottom, as the foundation of it all, the 2,046 local trades-unions. The chart is made up as containing the ligaments, the heart strings, you may say, of the make-up of the federation.

Mr. THOMPSON. Have you made any comparison, Mr. Gompers, between the growth of the membership of the Federation of Labor and the growth of the population of the United States?

Mr. GOMPERS. I have made no accurate comparison. The question, of course, needs—an answer to the question, rather needs elucidation. The membership of the organizations affiliated to the American Federation of Labor are composed of adults, and they are principally men, but there are some women. Therefore, a comparison as to the membership, say, for convenience the membership in the American Federation of Labor—and the population of the United States is hardly a fair comparison. If you count five to a family, it is only fair to assume that in the American Federation we have about 11,000,000; and upon that, as I say, paid up in their per capita tax.

Mr. THOMPSON. My question was not directed to that which you state, but was directed to the proportion of the increase—whether the percentage of increase had gone on with the increase in population. Now, if you don't know, that is all right. We can figure that out.

Mr. GOMPERS. I think the increase of the American Federation of Labor—the percentage—has been greater than that of the population of the United States.

Mr. THOMPSON. Mr. Gompers, now, will you please tell us in your own language the objects and purposes of the American Federation of Labor?

Mr. GOMPERS. Recognizing the fact that associated effort is of greater influence and power in securing any given object over that of individual effort, the first purpose for which the American Federation of Labor directed its efforts, is for the encouragement or formation of trade and labor unions, and the closer federation of such unions—that is, so far as local, State, national, and international—the establishment of departments, central bodies—for these organizations to aid and assist each other to the fullest in any of the struggles in which they may be engaged; for the protection of the rights and the interests of the membership and of the working people; to promote and advance their interests and rights economically and politically, legislatively and socially; to make life the better for living in our day, and so that the workers may be in a better position to meet any problems with which the future generations may be confronted. In a word, to let no effort go untried by which the working people, as the masses of the people, may find betterment upon every field of human activity. There is no limit to any course which may be pursued by our American Federation of Labor if it is calculated to be of advantage to the people of our country and primarily of advantage to the working people. Of course, I could enter into details; but the omission of any one factor would then be—or could be inferentially stated—that the federation's activity was so far limited. I take in the sum total of human activity, regardless upon what field that may be, which can aid, which can promote, and which can advance and protect the rights and the interests of the working people to establish better conditions and also to work for the greatest sum total of human happiness. At no part of their scheme or in the rules or in the order of evolution, is there a limit placed upon the work and the activities of the American Federation of Labor.

Chairman WALSH. Now, Mr. Hillquit, you may cross-examine Mr. Gompers.

Mr. HILLQUIT. Mr. Gompers, you say the principal aim of the American Federation of Labor—

Chairman WALSH (interrupting). Let me make a suggestion, in view of the difficulty yesterday afternoon, when Mr. Gompers had a little trouble in getting yes and no answers from you. We recognize anything that is in the field of controversy—some arguments must be interspersed, we don't want to shut you out—but I wish, you would, as near as possible, dress it in the form of interrogations, and that Mr. Gompers would, as near as possible, answer them directly, yes or no, and, of course, making any explanations that to your mind seems proper.

Mr. HILLQUIT. I shall cheerfully submit, Mr. Chairman, but I suppose the commission realizes that this is a somewhat difficult situation.

Chairman WALSH. Yes; we realize that. I guess you noticed that we realized it yesterday.

Mr. HILLQUIT. Certainly.

Chairman WALSH. Mr. Garretson suggests a thing very wisely: That if possible you should take a sort of central position so that these gentlemen of the press, who are having some difficulty, may have more convenience.

Mr. HILLQUIT. That is here [indicating]?

Chairman WALSH. Yes.

Mr. HILLQUIT. Now, Mr. Gompers, you have stated that the general objects of the federation are to better the conditions of the workers in all fields of human activity. By that you mean, I presume, economic betterment in all directions first, don't you?

Mr. GOMPERS. First. Yes, and in every other.

Mr. HILLQUIT. That is, including political and social?

Mr. GOMPERS. In every particular.

Mr. HILLQUIT. That would include, would it not, Mr. Gompers, improvement in political life and in social standing, as well as in economic conditions?

Mr. GOMPERS. Beyond question.

Mr. HILLQUIT. Did your federation formulate definite programs of such improvements from time to time?

Mr. GOMPERS. Yes; the American Federation of Labor has concerned itself with first questions first.

Mr. HILLQUIT. And it has passed various resolutions on such subjects, recommending concrete ameliorative measures, has it not?

Mr. GOMPERS. It has.

Mr. HILLQUIT. Has the American Federation of Labor expressed itself in favor of the shortening of the workday in keeping with the increased productiveness of machinery?

Mr. GOMPERS. It has—

Mr. HILLQUIT (interrupting): Your answer is, it has?

Mr. GOMPERS. It has, and I should say that that demand for a shorter work-day, and the movement for a shorter workday has been going on for nearly 50 years. Twenty years prior to the organization of the American Federation of Labor. It had more concrete form and expression since the American Federation of Labor was formed. For instance, in 1884, the American Federation of Labor declared that a concerted effort should be made by the working people of the United States to secure the eight-hour working day on May 1, 1886. And the Federation offered its services to be helpful to the organizations in the establishment of the eight-hour workday by conferences between workmen and employers, by conferences by correspondence, by publication, by agitation and education and, if it is responsive to the question, I may be permitted to say right here that upon the recommendation of the American Federation of Labor, two trades, piecework trades, enforced the eight-hour workday on May 1, 1886, and they have maintained the eight-hour workday in the industry from that day until this; and that, as a result of that declaration of the American Federation of Labor, the movement took impetus so as to reduce the hours of labor in many trades and calling from the 18-hour day, the 16-hour day, not to the 8-hour day, but to the 10 and to the 9. Now, of course, I may, I suppose at some other stage of the proceedings, I may refer to the hours of labor now generally prevailing in industry.

Mr. HILLQUIT. You may. At any rate, Mr. Gompers, the American Federation of Labor is unequivocally in favor of a shorter workday, and a progressive decrease of working hours in keeping with the development of machinery and other productive forces, is it not?

Mr. GOMPERS. And, in addition—

Mr. HILLQUIT (interrupting). It is?

Mr. GOMPERS. Yes; and in addition, the need, the recognized need in our day for greater rest opportunities and time for rest and leisure and cultivation.

Mr. HILLQUIT. Quite so. Then, the American Federation of Labor is also in favor of a rest of not less than a day and a half in each week?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. It is?

Mr. GOMPERS. Yes. I would say that we insist upon the one rest day, entire day in each week. I may say that it was my great pleasure to have been the president of the New York State Federation of Labor when the legislature of the State of New York, the first one in America to make Saturday afternoon a legal holiday.

Mr. HILLQUIT. You are, then, Mr. Gompers, in favor of the rest period of a day and a half, at least, in each week?

Mr. GOMPERS. I am, sir.

Mr. HILLQUIT. And are you also in favor of securing a more effective inspection of workshops, factories, and mines?

Mr. GOMPERS. Mr. Hillquit, if I may, I should prefer that you would address me, not as to my personal wishes and preferences. I am here as president of the American Federation of Labor, and I should, if you can, like to have you address your questions as to what the attitude of the American Federation of Labor is, rather than my own.

Mr. HILLQUIT. Mr. Gompers, it will be understood that whenever I refer to you, I refer to you as the head and representative of the American Federation of Labor, and in such capacity I now repeat that question: Are you, or is the American Federation of Labor, in favor of more efficient inspection of workshops, factories, and mines?

Mr. GOMPERS. It is, it has always been, and has worked to the accomplishment of the purposes which you have just now read as being declared.

Mr. HILLQUIT. And does the federation also favor forbidding the employment of children under 16 years of age?

Mr. GOMPERS. It has, is, and has worked toward the accomplishment of that purpose.

Mr. HILLQUIT. Does the federation favor forbidding the interstate transportation of the products of convict labor and the product of all uninspected factories and mines?

Mr. GOMPERS. Yes, sir; that is merely an instrumentality. One of the instrumentalities for the accomplishment of the question you asked me just now. It is not in itself the thing; it is in itself an instrumentality to accomplish the thing.

Mr. HILLQUIT. But as such instrumentality, the federation favors the measure, does it not?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. And do you also favor direct employment of workers by the United States Government, or State governments, or municipal governments, without the intervention of contractors?

Mr. GOMPERS. Yes, sir; and to a large degree have accomplished that.

Mr. HILLQUIT. Very well, sir. And does the federation also favor a minimum wage scale?

Mr. GOMPERS. That question is general, and does not admit of an intelligent answer.

Mr. HILLQUIT. Well, does the federation favor the fixing by legal enactment of certain minimum wages below which the employer should not be permitted to pay?

Mr. GOMPERS. The American Federation of Labor is not in favor of such a proposition; but on the contrary is very much opposed to it, and it is necessary to say—

Mr. HILLQUIT (interrupting). Can you state your reasons why, Mr. Gompers?

Mr. GOMPERS. The attempts of Government to establish wages at which workmen may work is the experience of history to be the beginning of an era, and a long era, of industrial slavery. There was a time in history where governments and courts, at court sessions, established wages, and during periods where there was a dearth of workmen to perform the work required, and employers offered higher wages, the workmen and employers were brought into court and both punished, punished by imprisonment and physically mutilation, because the one asked, received, or demanded and the other was willing to offer, or did pay higher wages.

Mr. HILLQUIT. May I interrupt you, Mr. Gompers, because I think you misunderstood me.

Mr. GOMPERS. I think I will anticipate what you want with the next five or six words. The proposition upon which I am questioned is as to minimum wages.

Mr. HILLQUIT. Correct.

Mr. GOMPERS. I thought I anticipated you. I think I know the operations of men's minds a bit, particularly in the differences which you and I have both the honor to represent.

This is a proposition, presumably, to determine a minimum wage. It is a maxims law, although I am not a lawyer, perhaps know all too little about law—(that once a court has jurisdiction over an individual, it has the power to exercise, the field and authority of that jurisdiction. I fear invite the Greeks when they bore gifts and attempted to entrap the American workmen into a species of slavery under the guise of an offer of this character is resented by the American, the men and women of labor in the American Federation of Labor.

Mr. HILLQUIT. In other words, Mr. Gompers, assume a law being passed in the State of New York to the effect that no woman be employed in factory industries at a wage less than, say, \$9 or \$10 a week, you would not object to such a measure on the ground that it might tend to enslave the women workers of the State of New York? Is that your proposition?

Mr. GOMPERS. Let me say this, that can not be answered in a categorical answer yes or no.

Mr. HILLQUIT. Answer it in your own way.

Mr. GOMPERS. When that question was up for investigation and discussion by the executive council, and subsequently by the American Federation of Labor, there was quite a diversion of views. I am betraying no confidence when I say that. The convention decided that the subject was worthy of further study and consideration, and that is the official action of the convention of the American Federation of Labor.

If you desire to have my personal views upon that I shall be perfectly willing to express them.

Mr. HILLQUIT. You may voice your own views or the views of the federation, as you please. All I want is a clear answer. My last question was: Assuming that a law was proposed in this State, fixing a minimum wage rate for women employed in factories at, say, \$9 or \$10 a week, would you individually or as representative of the American Federation of Labor, oppose such a law?

Mr. GOMPERS. I would not be authorized nor warranted in opposing, from the attitude as expressed by the American Federation, as a subject worthy

of further study and investigation. Personally, of course, I would prefer in general, not to do that, but in this I shall be very glad to volunteer my opinion.

Mr. HILLQUIT. Go ahead, Mr. Gompers.

Mr. GOMPERS. To say that, in my judgment, the proposal, the well-meaning, is a curb upon the natural right and development, the opportunity for development of the women of our country and of industry.

Mr. HILLQUIT. Then your idea is, Mr. Gompers, if the legislature once fixed a minimum wage, that then the machinery of the State would be set in motion to enforce work at that rate, whether the worker desires to render such service or not?

Mr. GOMPERS. I am very suspicious of the activities of governmental agencies. Mr. HILLQUIT. And your apprehensions are, then, in that direction, that once the State is allowed to fix a minimum rate the State would also take the right to compel women or men to work at that rate. Is that it?

Mr. GOMPERS. That is my apprehension.

Mr. HILLQUIT. That is your apprehension?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. Mr. Gompers, you were in favor of a maximum workday established by law, are you not?

Mr. GOMPERS. I am.

Mr. HILLQUIT. Wouldn't you, by analogy, say that there should be an apprehension that if the legislature once is allowed to establish a maximum workday but it might, by putting its machinery in motion, compel workmen to work up to the maximum allowed?

Mr. GOMPERS. I think that my answer has not been sufficiently intelligent or comprehensive when I answer by the two monosyllables, "I am." I ought to say I am in favor of the legal enactment for the maximum hours of labor for all workmen in direct Government employment, and for those who do work that the Government has substituted for Governmental authority. I am in favor of it—and the federation is in favor of it—speaking for the federation—is in favor of the maximum number of hours for children, for minors, and for women.

Mr. HILLQUIT. Then do I understand you to say, Mr. Gompers, that the federation does not favor a legal limitation of the workday for adult men workers?

Mr. GOMPERS. Not by law of the State. As a matter of fact, the unions have established very largely the shorter workday by their own initiative and power and influence; they have done it for themselves.

Mr. HILLQUIT. I know that, Mr. Gompers, but is the federation opposed to similar legal enactment?

Mr. GOMPERS. For adult workmen?

Mr. HILLQUIT. Exactly; limiting their hours of work?

Mr. GOMPERS. By legal statutory authority?

Mr. HILLQUIT. Yes.

Mr. GOMPERS. It is.

Mr. HILLQUIT. It is opposed?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. Has it, in any of its conventions, or otherwise officially, declared itself as opposed to such legal enactment?

Mr. GOMPERS. Such propositions have been up at such times, and they have been negatived.

Mr. HILLQUIT. From all of that you infer that the federation is opposed to such legal enactments?

Mr. GOMPERS. I do not think it is a question of inference. It is a question of fact that when a proposition is made, and it is defeated, that it is opposed to it. It may be that it was set aside without desiring to commit itself, but the grounds upon which such rejection has occurred was as I have stated.

Mr. HILLQUIT. Then, Mr. Gompers, will you tell me what line you draw between child labor, woman labor, and labor in some specified industries, and other labor—men's labor in other industries?

Mr. GOMPERS. For instance—I rather—well, I am absolutely in favor of the method by which the United Mine Workers of America established the eight-hour day in the bituminous coal field by their own action than I would be for the enactment of a law.

Mr. HILLQUIT. One does not exclude the other, does it, Mr. Gompers?

Mr. GOMPERS. Except as I have stated, that the American Federation of Labor has some apprehensions as to the placing of additional powers in the hands of Government which may work to the detriment of working people, and particularly when the things can be done by the workmen themselves.

Mr. HILLQUIT. Then, Mr. Gompers, as I understand you, the American Federation of Labor is in favor of a uniform shorter workday and would enforce it by means, say, of collective bargaining, or other methods employed by labor unions?

Mr. GOMPERS. I may say, Mr. Hillquit, that you have evidently a misapprehension of the functions of the American Federation of Labor. As a matter of fact, the unions themselves undertake the work of accomplishing the shorter workday. Say, for instance, that the International Typographical Union undertook a movement, giving employers more than a year's notice in advance, that on a certain day they would no longer work more than eight hours in each day. Almost immediately a large number of employers acceded to the request. Others refused. The men struck. Covering a period of more than a year, employers in numbers and individual firms came to an agreement acceding to the eight-hour day, and enforcing it, and finally the eight-hour day has been accomplished, not only by the printers, the International Typographical Union, but the eight-hour day prevails now generally in the printing trades; and that is true in many others, in the building trades. It did not require any law for the printers; it did not require any law for the granite cutters; it did not require any law for the Cigar Makers' International Union, of which I have the honor to be a member. There was not any requirement in the law in the building trades, and many others, to introduce the eight-hour workday.

Mr. HILLQUIT. I fully understand that, but you have stated before that the American Federation of Labor, as such, at its annual conventions, adopted a resolution as early as 1884 approving of the movement for an eight-hour day, encouraging it, and that it has since cooperated with the various affiliated organizations for the attainment of the eight-hour day.

Mr. GOMPERS. Yes; but it was necessary for the organizations themselves to take the initiative.

Mr. HILLQUIT. Granted.

Mr. GOMPERS. For instance, I think it was in 1890, or in 1889, when the American Federation of Labor again took up the movement to encourage the inauguration of a shorter workday—the eight-hour workday; and the executive council was given authority by the convention to concentrate every energy it could be helpful to any organization making application to be selected to make the movement; and the carpenters were one among the organizations then making application, and it was selected by the executive council to make the fight.

Mr. HILLQUIT. Now, Mr. Gompers, to save further misunderstanding and explanation, I will say to you that whenever I mention the American Federation of Labor, I mean not only the executive council, but mean also the unions affiliated with and constituting that body. Now, Mr. Gompers—

Mr. GOMPERS (interrupting). Mr. Hillquit—pardon me again. In any question and answer appearing without that distinction being made, the student of history now and hereafter is not likely to go back to your qualification and find the interpretation of the question upon that basis; and for that reason I must insist that each time you refer to the specific thing, rather than to the general.

Mr. HILLQUIT. Very well, Mr. Gompers. As far as you know, Mr. Gompers, the United Mine Workers, and the Western Federation of Miners, both affiliated with the American Federation of Labor, have been very active in establishing in the several States of their operation, a minimum workday of eight hours. Is that a fact?

Mr. GOMPERS. In the Western States, for workmen who are employed beneath the surface of the earth.

Mr. HILLQUIT. Now, is the federation as a whole now in favor of such legislation as the Western Miners have obtained, say, in Colorado?

Mr. GOMPERS. The organized-labor movement of Colorado and Utah have accomplished that, sir; but the American Federation of Labor, as such, has not taken any action upon that subject.

Mr. HILLQUIT. From your knowledge of the sentiment and position of the American Federation, as such, would you say that the federation approves or disapproves of such activity of its affiliated unions of obtaining a maximum legally established workday?

Mr. GOMPERS. I think that the federation, if called upon to approve the course, would say that the organization acted within its rights, and if it deemed that the best we would not oppose it but, rather, approve it.

Mr. HILLQUIT. Notwithstanding the apprehensions you express.

Mr. GOMPERS. The fact of the matter is that some men unconsciously and with the best of intentions get to rivet chains on their wrists.

Mr. HILLQUIST. Now, Mr. Gompers, the federation would encourage the practice of its various affiliated organizations in endeavoring to secure a shorter workday, by means of a collective agreement, of certain groups of employers in a certain industry, would it not?

Mr. GOMPERS. It would.

Mr. HILLQUIST. And the ideal state would be then to have each of your affiliated organizations secure such shorter workday by such means, would it not?

Mr. GOMPERS. No, sir. I have a very different conception from what you have, as is quite evident, as to ideals. It is desirable but it is not ideal.

Mr. HILLQUIST. Yes; but it would be desirable?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIST. Now, if the same proposition should come by means of a law bringing upon all employers in a given State, or, for that matter, throughout the Union, then the federation, as I understand, would not approve it?

Mr. GOMPERS. It would oppose it.

Mr. HILLQUIST. It would oppose it?

Mr. GOMPERS. If I understand the views and interpret the views of the American Federation of Labor, men and all alike, it would oppose it.

Mr. HILLQUIST. Well, now, let's understand that well, Mr. Gompers, for the record. Your opinion is that if there were a movement and a possibility of establishing a shorter workday, say, an eight-hour workday, by legal enactment throughout the land, and a minimum wage in the same way, the federation would be opposed to such measures?

Mr. GOMPERS. It would; because it has in a large measure accomplished it and will accomplish it by the initiative of the association, the organization, and the grit and courage of the manhood and womanhood of the men and women in the American Federation of Labor.

Mr. HILLQUIST. And if that grit and courage should express itself by forcing the legislatures of the various States to enact such a law and if the execution and performance of the law were backed by a strong labor organization in each State, with the same grit and courage, you would not object to it?

Mr. GOMPERS. Well, your hypothesis is entirely groundless.

Mr. HILLQUIST. Why, Mr. Gompers?

Mr. GOMPERS. When the organizations of labor, as I have already said, have accomplished that to a large extent, and propose to accomplish it again, further, on their own initiative and by their own voluntary association, it precludes the question of having a legal enactment for that purpose.

Mr. HILLQUIST. I just wanted to know why it precludes it. You say that the unions affiliated with you propose to enforce such rules; that means they have not done so yet.

Mr. GOMPERS. Unfortunately, that is so.

Mr. HILLQUIST. Unfortunately, that is so. Now, Mr. Gompers, my question is this: In proposing to do so, assume that it had a chance to accomplish, then, by the methods of legal enactment through their influence and in such shape and surrounded by the precautions satisfactory to labor organizations, then I want you to say whether or not the American Federation of Labor would be opposed to such measures.

Mr. GOMPERS. It would, for the reason I have already stated, and for the additional reason that the giving of the jurisdiction to government and to governmental agencies is always dangerous, when it comes to the government of working people.

Mr. HILLQUIST. Yes; I understand you rightly. Now, Mr. Gompers, does the American Federation of Labor favor a system of noncontributing old-age pensions for workers—

Mr. GOMPERS (interrupting). Yes, sir.

Mr. HILLQUIST (continuing). Reaching a certain age?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIST. It does?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIST. And that, of course, by legal enactment and governmental machinery?

Mr. GOMPERS. Yes.

Mr. HILLQUIST. And does the federation likewise favor a general system of State insurance against unemployment, sickness, disability, accident?

Mr. GOMPERS. There is some doubt as to some of the propositions.

Mr. HILLQUIT. Which ones?

Mr. GOMPERS. Particularly State insurance of nonemployment.

Mr. HILLQUIT. Is there any doubt about State insurance against sickness or accidents?

Mr. GOMPERS. I think not.

Mr. HILLQUIT. There is not?

Mr. GOMPERS. I am sure not.

Mr. HILLQUIT. In other words, the federation supports such measures?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. As measures of legal enactment?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. What does the federation propose to do with the problem of unemployment?

Mr. GOMPERS. To shorten the workday of the employed; to share with the unemployed workmen the work that is to be performed; to constantly tend toward the elimination of unemployment and the refusal of the American workman to regard unemployment as a permanent status in the industrial and economic forces of our country.

Mr. HILLQUIT. Just what do you mean, Mr. Gompers, by refusal of the workman to regard it as an institution in our industrial system?

Mr. GOMPERS. To constantly make for a reduction in the hours of labor—for the sharing of the work with those who are unemployed, and thereby find work—help to find work for the unemployed.

Mr. HILLQUIT. If you—

Mr. GOMPERS. (interrupting). One moment. And to encourage and stimulate the workmen in their effort for a constantly increasing share in the production of wealth—the consumption and use of things produced—and thereby giving employment to unemployed, which can find its encouraging and application by no other known means.

Mr. HILLQUIT. Then, Mr. Gompers, your only remedy is practically the shortening of the workday, the increased power of consumption on the part of the workers that would follow as a consequence, would it not?

Mr. GOMPERS. You are employing the word “only,” which is scarcely a proper characterization of my answer.

Mr. HILLQUIT. Then what else?

Mr. GOMPERS. I have already enumerated.

Mr. HILLQUIT. Well, whatever you have enumerated constitutes the entire program of the American Federation of Labor with reference to the unemployed. What else did you wish to add?

Mr. GOMPERS. Just as I mentioned a short while ago, when one begins to particularize, anything unmentioned. It is limited to anything unmentioned, but the sum total of the activities of the organized workers to meet the problem of unemployment is not encompassed in what I have already said. It is in every possible way which human activity can be applied. The undertaking of great public works. Again, I am particularizing, which is also limited. If you should ask me whether I would favor this or that or the other proposition to meet and solve the problem of the unemployed, it would place them upon you to question me on my answer, limiting or extending, just as the case may be. But I don't believe that I should be placed in the position of having my entire curriculum on the subject limited and shortened by a statement made upon the spur of the moment.

Mr. HILLQUIT. Now, Mr. Gompers, the methods you mentioned would naturally involve a rather slow process, wouldn't they, a question of several years, anyhow?

Mr. GOMPERS. As a matter of fact, the existence of the organized-labor movement in 1907, as well as the existence of the organized-labor movement to-day, has been and is the most potent force in our country to prevent a bringing about of conditions that would act to the great detriment of the working people of our country. In 1907, when the financial panic came upon the working people, the attitude of the American labor movement to prevent, to resist at all hazards any attempt to reduce wages, was a clarion call to the workers, and a warning to the employers that they must not apply in our times the old method of meeting the defects or the faults of their own planning or misplanning.

Mr. HILLQUIT. I fully appreciate it, Mr. Gompers, and fully accept it. But does your federation have any program in face of the present momentary condition of unemployment—any program of immediate, even though partial, alleviation of that condition?

Mr. GOMPERS. The American Federation of Labor and the bona fide organized labor movement, have less to do with settling forth programs than it has to be engaged in the actual work. It is the easiest thing in the world for people to promulgate programs which mean simple, idle, elusive words, and mean nothing substantial to the working people.

Mr. HILLQUIT. Does not the plan of action, Mr. Gompers, a plan of systematic, thought-out action, constitute a program?

Mr. GOMPERS. If, Mr. Hillquit, you want me to say that the American Federation of Labor is not a perfect federation, or that our organizations are not perfect—if you want me to say that these organizations, and our federation has not promulgated a theory or a program for the elimination of every human ill, I will admit it.

Mr. HILLQUIT. Now, Mr. Gompers, that was very far from my thoughts. I wanted to get at facts. I wanted to know how the federation stands in the face of this acute problem in the labor conditions. Does the federation favor Government relief of unemployed by extension of useful public works?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. It does?

Mr. GOMPERS. It does.

Mr. HILLQUIT. And does it also favor a provision that the persons employed on such work—

Mr. GOMPERS (interrupting). What?

Mr. HILLQUIT. Does it favor a provision to the effect that all persons employed on such work shall be engaged directly by the Government and work not more than eight hours, and at not less than the prevailing union wages?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. The federation favors that?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. Does the Federation favor a plan by which the Government should establish employment bureaus and loan money to States and municipalities without interest for the purpose of carrying on useful public works?

Mr. GOMPERS. Will you please read the question?

(The question was read by the stenographer.)

Mr. GOMPERS. It has not declared itself upon that subject, except as I have already stated in the blanket answer; that is, it favors any tangible, rational proposition that would help to meet and solve the question of unemployment.

Mr. HILLQUIT. Then you individually, Mr. Gompers, would not object to such a plan?

Mr. GOMPERS. Oh, no; I think not.

Mr. HILLQUIT. Now, Mr. Gompers, you also mentioned that the American Federation of Labor tried to improve the political status of the workers; that is correct, is it not, among other things?

Mr. GOMPERS. I should like to be quoted accurately. To improve the condition of the working people in every human field of activity; to protect and promote and advance their rights and interests.

Mr. HILLQUIT. Exactly. Now, every field of human activity includes the political field?

Mr. GOMPERS. It does.

Mr. HILLQUIT. And every right of the worker includes his political rights?

Mr. GOMPERS. It does.

Mr. HILLQUIT. Now, then, Mr. Gompers, is your federation in favor of the absolute freedom of press, speech, and assemblage?

Mr. GOMPERS. It is. May I amplify that answer?

Mr. HILLQUIT. You may.

Mr. GOMPERS. By saying that the American Federation of Labor has, in the effort to stand for the freedom of speech, freedom of the press, and freedom of assemblage, undertaken great risks, and has asserted it and maintained it. In addition to this, the American Federation of Labor looks askance upon any effort to curb the inherent, as well as the constitutional rights of free press and free speech and free assemblage, and holds that, though these rights may be perverted, may be improperly exercised, exercised for an unlawful purpose, say, and yet these rights must not, in advance, be interfered with. The right

of assemblage, the right of expression through speech or press, must be untrammelled if we are going to have a republican form of government with freedom. If anybody utters that which is libellous or seditious or treasonable, they must be made and may be made to answer for those transgressions, but the right to expression must be unimpaired, and the American Federation of Labor has and will stand unalterably and unequivocally in favor of free assemblage, free speech, and free press.

Mr. HILLQUIT. So with the Socialist Party. We are there at one.

Mr. GOMPERS. I did not know that the Socialist Party was to be injected into this.

Mr. HILLQUIT. Why, we have had the two injected all along.

Chairman WALSH. If you will leave out the comment or the assertion—

Mr. HILLQUIT. Very well. Mr. Gompers, is your federation of unrestricted and equal suffrage for men and women?

Mr. GOMPERS. It is, it has been, and has done much to advance that cause.

Mr. HILLQUIT. Does your federation favor the initiative, referendum, and recall?

Mr. GOMPERS. It not only advocates it, has advocated it, but one of the members of an affiliated organization is a member who was the author of the first hook upon direct legislation, initiative, and referendum in the United States—Mr. James W. Sullivan.

Mr. HILLQUIT. Mr. Gompers, does your federation also favor the system of proportional representation?

Mr. GOMPERS. It has not, as an organization, taken affirmative action on that subject.

Mr. HILLQUIT. But it practices it in its own conventions, practically? Your vote is by membership?

Mr. GOMPERS. The proportionate representation, as that term is usually expressed, is not the proportional representation to which you refer in the voting in the conventions of the American Federation of Labor. The proportional representation—that is, I want to know whether I am right?

Mr. HILLQUIT. I will define it, Mr. Gompers.

Mr. GOMPERS. Yes.

Mr. HILLQUIT. I use proportional representation as denoting a system by which votes are cast and rights are exercised by representatives in proportion to the numerical strength of the constituents?

Mr. GOMPERS. Yes; I favor that.

Mr. HILLQUIT. You do?

Mr. GOMPERS. Yes, sir. The American Federation of Labor does.

Mr. HILLQUIT. Yes. Then, does the federation favor the election of the President and Vice President of the United States by direct vote of the people without intervention of the electoral college?

Mr. GOMPERS. It does, and so declared.

Mr. HILLQUIT. Does your federation favor a restriction upon the powers of judges to nullify laws or set them aside as unconstitutional?

Mr. GOMPERS. It does, and it has.

Mr. HILLQUIT. Does your federation favor a measure to make the Constitution of the United States amendable by a majority vote of the people?

Mr. GOMPERS. Amendable by an easier method than at present prevails. As to the specific proposition that you have just asked, I am not so sure. I don't know. No expression has been given before.

Mr. HILLQUIT. Personally, Mr. Gompers, you would think a simpler method of amending the Constitution would be a step in advance?

Mr. GOMPERS. The method now is very cumbersome and slow, and, being a written Constitution to be a chart, while it ought not to be subject to changes at every ebb and flow of the tide, it ought to be much easier than it is now.

Mr. HILLQUIT. Now, Mr. Gompers, are you in favor of curbing the powers of the court to punish for contempt in labor disputes, or to regulate that power?

Mr. GOMPERS. If I may adopt the tactics of the Yankee, I might say, "Do you doubt it?" Yes, sir.

Mr. HILLQUIT. Are you in favor of an enactment of further measures for general education, and particularly for vocational education in useful pursuits?

Mr. GOMPERS. Read the question.

(The question was read.)

Mr. GOMPERS. Yes. Here is a fact not generally known, that the organized labor movement of Massachusetts—the credit of having established the public schools of Massachusetts with the public schools as they have extended since

then—prior to that time there were schools at which the children of the indigent parents could attend, but each child which did attend carried with it the stigma of the poverty of its parents, and it was a stigma then. The labor movement of Massachusetts secured the enactment of a law removing the requirement for attendance at these schools that the children and parents must avow and declare that they were indigent, and they could not afford to pay for the tuition of their children. Thus came into vogue the first public school in the world.

Mr. HILLQUIT. So that the federation is committed to and in favor of an extension of the educational system and the vocational training?

Mr. GOMPERS. In all, in its highest and best phases. And I say that the American Federation of Labor has had a committee for the past 10 years, a committee composed of many of its own representative men and women, a number of public educators, men and women, acting for the American Federation of Labor, yet independent of it, that has worked out the system of vocational training in industrial and agricultural vocational training, household economy, and civic duty, so much so that that report was made a public document by the Senate of the United States.

Mr. HILLQUIT. Is your federation in favor of the free administration of justice?

Mr. GOMPERS. It is.

Mr. HILLQUIT. I have enumerated to you all political and industrial demands in the platform of the Socialist Party, and you find that your federation adopts them, with the exception of two points on the question of a maximum workday and the minimum wage. You would accomplish that by pure economic action, and the Socialist Party advocated legal enactments; is that correct?

Mr. GOMPERS. It is not correct.

Mr. HILLQUIT. Why?

Mr. GOMPERS. As a matter of fact, the Socialist Party has purloined the demands and the vocabulary of the American labor movement, and has adopted it as its own, and now you ask the American Federation of Labor whether they favor it.

Mr. HILLQUIT. Then, Mr. Gompers, whether we have purloined, or no matter in what way we arrived at it, the demands and the program that I questioned you upon, the American Federation of Labor, either as the original inventor or otherwise, fully approves of it, with the exception of the small difference I mentioned; is that correct?

Mr. GOMPERS. I would like to hear the question.

(The question was read by the stenographer.)

Mr. HILLQUIT. Suppose we waive that answer?

Mr. GOMPERS. No; don't waive the answer. Just amend your question so that it is comprehensive, so that it is comprehensible.

Mr. HILLQUIT. It is merely in the nature of a summary, Mr. Gompers. I have read to you point by point the working program of the Socialist Party with reference to economic and political measures, and I have asked you on each point whether your federation approves of such measures. Your answer has been in the affirmative, uniformly, with the exception as to the question of a minimum wage and the maximum workday, where we agreed on the principle, but you would secure it by purely economic action and the Socialist Party by legal enactment. It is in the nature of a summary. I want it on the record. You may answer or not, as you please.

Mr. GOMPERS. What did you want me to answer?

Mr. HILLQUIT. Is it so or is it not?

Mr. GOMPERS. That which I have already answered?

Mr. HILLQUIT. Yes.

Mr. GOMPERS. I say that these demands which you have enumerated have been promulgated, declared for, and fought for, and in many instances accomplished by the American Federation of Labor and the organized-labor movement of the country, and your question would indicate that you would want the adhesion of the American labor movement to your original propositions when, as a matter of fact, they have been put into your platform simply as vote catchers.

Mr. HILLQUIT. Exactly. Then, you admit the identity, but you deny priority on our part?

Mr. GOMPERS. And purpose.

Mr. HILLQUIT. Then, Mr. Gompers, let me ask you, has the Republican Party or the Democratic Party purloined from you the same demands?

Mr. GOMPERS. Not all of them, but many of them.

Mr. HILLQUIT. Any of them?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. How many? And which?

Mr. GOMPERS. Will you give me a few minutes' time, Mr. Chairman?

Chairman WALSH. Do you wish to be excused?

Mr. GOMPERS. No, sir; only a few minutes' time that I may answer.

Mr. HILLQUIT. Do you want to consult with me?

Mr. GOMPERS. No; I don't need advice from you, Brother Hillquit.

I may say, Mr. Chairman, that because my friend, Mr. Gordon, did me the kindness of looking it up and handing it to me, a copy of the American Federationist, it is erroneous to place the construction upon that that he has prepared in my questions, or has prepared in my answers, or in any way helped me other than what I have already stated; that is, the significance of that remark may be outside of the record rather than in.

Chairman WALSH. It is really lost upon me.

Mr. GOMPERS. I am sure it is not lost upon my cross-examiner. Is it?

Mr. HILLQUIT. Nothing is lost on me, Mr. Gompers, that comes from you.

Mr. GOMPERS. I have here, in answer to the question propounded by Mr. Hillquit, a report which I had the honor to submit to the International secretariat; that is, the American Federation of Labor is in alliance with the organized labor movement of the civilized world, and one of the duties is that the chief executive officer of each country must report for the labor movement of his country as to economic and political or legislative gains. I have this report in my hand. Before stating, I think I ought to say that two of the demands which the labor movement of America makes is a limitation of the powers of the President of the United States in his frequent exercise of the veto upon the legislation of the representatives of the people.

Mr. HILLQUIT. That is contained in our platform likewise, Mr. Gompers.

Mr. GOMPERS. The only Member of Congress which the Socialist Party ever had sustained two votes of the President of the United States.

We also have secured, which is not incorporated in the question proposed by Mr. Hillquit, the election of United States Senators by a direct vote of the people.

I have here, as I said, Mr. Chairman, the report which I made to the secretariat. It is under this general caption: "President Gompers' report to the International secretariat," and under the subcaption of (1) "National legislative gains for 1912"; (2) "State legislative gains for 1912"; (3) "National economic gains for 1912." It would take me about half an hour to read them, but I submit that I have no desire to bore the commission or to take up unnecessary time of the commission and counsel, and if it can be incorporated here as my answer to the question of the gentleman you will find it comprehensive.

Chairman WALSH. Do I understand the question that Mr. Hillquit asked you to call attention to the place in the platform of the Democratic or Republican Parties where demand was made for this same social action he read to you this morning; is that correct?

Mr. HILLQUIT. That is correct.

Chairman WALSH. Can you do that by referring to your notes, just read into the record, when and where the demand was made by either one of the parties?

Mr. GOMPERS. I can not do that just now from memory. I have not the platform declarations of the several State committees.

Chairman WALSH. Then, it is impossible to do it on account of the comprehensive nature of the question at this time?

Mr. GOMPERS. I supplement this answer by saying that I here submit to the commission a report of the legislative gains secured at the hands of Congress and the several legislatures composed of Republicans and Democrats and Prohibitionists and Progressives.

Chairman WALSH. Very well. That may be made a part of the record, then, and not read in extenso.

PRESIDENT GOMPERS'S REPORT TO THE INTERNATIONAL SECRETARIAT.

1. National legislative gains for 1912.

This portion of my report should be read in conjunction with my report of last year (for 1911) so that a clearer understanding may be had of the legislative periods governing the United States Congress. It will be noted

I then said on page 198 of the ninth report that "the first regular business session of the Sixty-second Congress commenced in December, 1911, and lasted until August 26, 1912." I must now complete that account by adding that the last regular business session of the Sixty-second Congress commenced in December, 1912, and continued until March 4, 1913, when the legislative period for which that Congress was elected expired by constitutional and statutory enactment.

I reported progress for 1911 on 16 specific matters of interest to labor upon which favorable action had been taken either in the House of Representatives or the Senate, or upon which final action had been taken in both bodies.

It will be seen that in this report (for 1912) some of these subjects have again been enumerated. This is unavoidable because in several of these matters it was necessary to wait until final action was taken by both Houses and approval given by the President to the measures enacted by the Congress.

It is very gratifying, indeed, to be able to report for historical record the following 19 important measures of interest to the working people of the United States upon which the Sixty-second Congress took complete and final action. It is additionally satisfying to say that this record is the best any Congress ever made in behalf of demands made upon it by the organized labor forces of the country.

This national report must not be accepted as the sum total of remedial legislation for humanity secured in the United States, but must only be read as a part of that which follows under the caption "State legislative gains."

(1) A national Department of Labor was created, the Secretary of same to be a member of the President's Cabinet. The first secretary to occupy this honorable and responsible position was formerly the national secretary of the United Mine Workers of America, and for six years a Member of the House of Representatives; during the last term of two years he was chairman of the House of Representatives Committee on Labor.

(2) All contractors and subcontractors doing work for the National Government, as well as on naval contracts and fortification contracts, must hereafter observe the eight-hour day.

(3) Eight hours per day will be the maximum hereafter for all post-office clerks, letter carriers, and employees in the railway post offices.

(4) Workmen employed on levees and water fronts, and dredge operators have had the eight-hour law extended to such employments.

(5) The Bureau of Mines act was amended and strengthened, thereby tending to conserve the health and safety of coal and metalliferous mine workers.

(6) The national law granting compensation for injuries to Government employees was extended to employees in the Bureau of Mines and lighthouse employees.

(7) The manufacture of white phosphorus matches has been prohibited.

(8) A physical-valuation law for steam railroads and express companies was passed.

(9) A parcel-post law was passed.

(10) Increased appropriations were obtained to develop rescue work in the Bureau of Mines.

(11) The three-watch or eight-hour system in the merchant marine applicable to masters, mates, and pilots was established.

(12) Wages were increased for all employees in the naval-gun factory and for the pressmen in the Government Printing Office.

(13) Public construction in Government navy yards of naval vessels, transports, and collars have been extended in opposition to such construction in private shipyards.

(14) A law was enacted by which a Children's Bureau was established, which will be effective in conserving the best interests of the children by practicable and scientific methods.

(15) Former Presidents Roosevelt and Taft were directly rebuked by Congress because of their arbitrary executive order depriving Government employees of the right of petition, the right of organization, and the right of hearing in the case of a discharged employee of the Government. The full rights of citizenship has been restored thereby to all employees of the National Government.

(16) The working conditions of employees in the iron and steel industry were rigidly investigated and a most comprehensive, helpful report made by the Federal Bureau of Labor Statistics.

(17) After a rigid investigation by Congress of the high-speed, "stop-watch" working systems in Government establishments orders have been issued by the War Department and the Navy Department to discontinue such speeding-up systems in Government establishments.

(18) The amendment to the National Constitution providing for an income tax has been ratified by three-fourths of the States and is now effective.

(19) The amendment to the National Constitution providing for the popular election of United States Senators has also been ratified by three-fourths of the States and is now in active operation. This amendment gives to citizens of a State the right to cast a direct vote for the election of the Members of the United States Senate from their State instead of as before, delegating this power to the State legislatures.

II. State legislative gains for 1912.

The progressive record by the Congress enumerated in the preceding part of this report under "National legislative gains" was substantially maintained by the several State legislative bodies that met in 1912.

The legislation which most vitally affects the life and interests of the workers in the United States is the legislation which is enacted by the State legislatures. While it is important that comprehensive, effective, and fundamental measures should be passed by Congress as a matter of example of precedence, it by no means stands as the goal or the complete success toward which the aspirations of the organized workers are directed.

It is imperative that each of the 48 States, all of which have local autonomy, keep step with the progress of the Nation or vie with each other for preeminence in the forward, upward work of civilization.

I furnish herewith a brief summary of helpful, practical legislation in the workers' interests enacted by 17 State legislative bodies during 1912, which, as of course must be understood by students of this report, is only supplementary to previous legislation already on the statute books of the several States reported. It must also be understood that all the State legislatures do not meet each and every year. The following excellent record for 17 States whose legislatures met in 1912 is the result of the militant, loyal, intelligent effort made by the men and women in the organized American labor movement in behalf of those who toil.

Arizona.—The new State of Arizona (until recently a Territory) adopted the following fundamental provisions in behalf of labor, in its constitution during 1912: (1) No limitation upon damages for death or injuries to an employee; (2) a corporation commission authorized to make and enforce necessary rules for convenience, comfort, safety, and preservation of health of employees and patrons of all public-service corporations; (3) eight hours to constitute a legal day's work in all employment by or on behalf of the State, or any of its political subdivisions; (4) age limit for employment of children, 14 years above ground, 16 years underground, eight hours to be the maximum workday for such children in all employments; (5) making it illegal for any employer to require employees to waive any rights in order to secure or obtain employment; (6) the old common law of "fellow servant" doctrine forever abrogated; (7) the defenses of "contributory negligence" or of "assumed risk" in all cases to be a question of fact and must be left to the jury without interference by the judge; (8) employees' right of action to recover damages for injuries shall never be abrogated (amount to be recovered shall not be subject to any statutory limitation); (9) an employers' liability law and compulsory compensation for injuries law shall be enacted by the legislature; (10) blacklisting of employees to be penalized; (11) aliens prohibited from employment on public work; (12) safety mining laws and mining inspectors ordered.

The first legislature of Arizona enacted laws governing the following subjects during the session of 1912, in harmony with the foregoing clauses of the constitution:

(1) Eighteen years minimum age for telegraph operators; (2) waiving of employee's legal rights by corporations prohibited; (3) full-crew law for railroad trains enacted; (4) illegal for foremen to accept fees for employment; (5) an eight-hour day established in all coal and metalliferous mines; (6) standard headlights to be installed on all locomotives; (7) 14 years set as the limit for employment of children (in dangerous occupations 16 years the limit); (8) eight hours as a maximum workday for children; (9) comprehensive safety

laws for mines enacted; (10) employers' liability and workmen's compensation for injury laws enacted; (11) aliens prohibited from employment on public works.

California.—Constitution amended, authorizing the legislature to enact laws granting compulsory compensation to injured workmen. The legislature enacted the following laws in the interest of workmen: (1) All accidents on railroads to be reported to the railroad commission; (2) all employees (male and female) allowed two hours in which to vote on election day without deduction of pay; (3) industrial accident board established to which employers in all industries must report all accidents to employees.

Kentucky.—(1) Employment of females limited to 10 hours a day, 60 hours a week (seats must also be furnished, wash rooms, etc.); (2) factory-inspection law enacted and inspectors provided; (3) assignments of wages of employees prohibited.

Louisiana.—(1) Seats to be provided for employees on street cars; (2) employment of children prohibited in pool and billiard rooms; (3) semi-monthly pay day established; (4) factory inspection ordered for city of New Orleans; (5) employers' liability commission created; (6) railroad crossings to be properly guarded; (7) employment of children prohibited in dangerous occupations or questionable entertainments; (8) the old common-law defenses of "assumption of risk" and "fellow servant" doctrine, applicable to public service corporations, abrogated; (9) modern systems of ventilation and sanitation to be installed in all printing offices; (10) an eight-hour day established for certain stationary engineers and firemen (some employments excepted).

Maryland.—(1) Ten hours a maximum day's work for working women, eight hours to be a maximum night's work, three inspectors appointed to enforce the law; (2) all occupational diseases to be reported by physicians to State board of health; (3) age limit for working children set at 14 years; (4) hospital for miners established by the State; (5) cooperative insurance fund for miners established by the State; (6) compensation for injury law to all industrial workers enacted.

Massachusetts.—(1) Employers ordered to furnish seats for all female employees; (2) employment of illiterate children under 18 years prohibited; (3) employers' liability law amended; (4) factory-inspection law amended; (5) railroad-liability law amended; (6) old-age pension law for employees of the State enacted; (7) accident-report law applicable to all employers enacted; (8) a maximum 10-hour day and 54-hour week law, applicable to women and children, enacted; (9) steam-boiler inspection law amended; (10) a nine-hour day for employees on street railways enacted; (11) during times of strike, employers must state particulars when advertising for laborers; (12) bureau of labor statistics extended and strengthened; (13) compensation for injuries law amended and strengthened; (14) employment of women in core rooms, foundries, and law made more stringent; (15) a minimum wage commission, to deal with wages of women and children, established; (16) a State board of labor and industries established; (17) State printing law enacted.

Michigan.—Workmen's compensation for injuries act passed, including an industrial accident board, a State accident fund, and the optional privilege of employers organizing "mutual insurance companies."

Minnesota.—(1) Employers prohibited from threatening employees or improperly influencing the political opinions or actions of employees; (2) child-labor law amended and strengthened so that children under 16 shall not be permitted to work more than eight hours a day, 48 hours a week, and no night work; dangerous and questionable employments for children prohibited.

Mississippi.—(1) Employment and emigration agents prohibited under heavy penalties from operating without a State license; (2) monthly pay days made mandatory by employers; (3) equipment of street cars with vestibules for motormen, made mandatory; (4) sanitary-buildings act for car repair employees passed; (5) locomotives to be equipped with standard headlights; (6) employers prohibited from working employees over 10 hours per day; (7) child-labor laws amended and strengthened, 14 years the age limit for employment of girls, 12 years for boys; boys under 16 and girls under 18 not permitted to work more than eight hours per day, nor more than 48 hours in any one week. Suitable enforcement of this law included; (8) the "contributory negligence" clause of the railroad companies liability act, made broader in the interest of employees and passengers.

New Jersey.—(1) Factory-inspection act amended, requiring standard "blow-ers" in grinding and polishing rooms; effective guards to be installed on all

dangerous machinery; additional factory inspectors ordered, must be men with practical shop experience; (2) State department of labor act amended and strengthened; employees of same required to pass civil-service test; power for enforcing factory-inspection laws increased; (3) bakery-inspection law enacted, with suitable provisions for enforcement; (4) all industrial accidents must hereafter be reported by employers to commissioner of labor; (5) a 10-hour day, or 60-hour week law for working women enacted; (6) workmen's compensation for injuries, law amended and strengthened; (7) all industrial and occupational diseases hereafter must be reported by physicians to the State board of health.

New Mexico.—The new State of New Mexico, until recently a Territory, adopted the following fundamental provisions in behalf of labor in its constitution during 1912: (1) Railroad commission charged with the duty to enforce standard safety appliances on all railroad equipment; (2) office of mine inspector created; (3) safety mining laws ordered; (4) no children under 14 to be employed in mines; (5) the old common law of "fellow servant" abrogated and the defense of "contributory negligence" defined; (6) a law was enacted making it illegal for employers to require employees to waive any legal rights in order to secure or retain employment; (7) the effective national employers' liability law was the model for this State law; (8) establishment of an eight-hour day for all employees of the State, county, or municipality.

The first Legislature of New Mexico enacted laws governing the following subjects during the session of 1912: (1) Safety mine-regulation law enacted, with inspectors to enforce same; (2) protection for employees to vote, with sufficient time allowed for same by employers; (3) blacklisting of employees by employers penalized; (4) maximum workday of 16 hours for railroad employees was enacted.

New York.—(1) Additional powers granted factory investigating commission; (2) number of factory inspectors increased from 85 to 125 and their power to enforce factory laws strengthened; (3) workers in cabsions under compressed air protected; (4) private employment-office law made more stringent; (5) women and children prohibited from attending in barrooms; (6) factory-inspection law strengthened by many amendments for the purpose of affording greater safety, health, and comfort to factory employees; (7) employers forbidden to employ women within four weeks after childbirth; (8) child-labor law amended by requiring physical examinations; (9) a nine-hour day and a 50-hour week enacted for women; (10) the bureau of industries and immigration laws amended and strengthened in many particulars, thereby affording greater protection to working people; (11) recommendation by the legislature to amend the State constitution so as to enable the legislature to enact a compulsory workmen's-compensation-for-injuries law; this amendment to the New York State constitution will be voted upon by the people of the entire State November 4, 1913; a majority vote will adopt it as part of the constitution.

Ohio.—The constitution of Ohio was amended in 1912 by referendum vote of the people of the State, authorizing the legislature to pass certain specified labor laws as follows: (1) To regulate the hours of labor; (2) to establish a minimum wage; (3) to provide for the comfort, health, safety, and the general welfare of all employees; (4) to enact a workmen's compensation-for-injuries law, including a compulsory-insurance system and leaving intact right of action in the courts for employees; (5) to enact an eight-hour day for all employees of the State or any political subdivision, and for employees of contractors for the State.

Philippine Islands.—(1) By a contract of employment law, employers will be penalized if laborers are defrauded by employers, contractors, or subcontractors; (2) workmen's compensation-for-injuries law enacted, covering employees of the Insular government and the provincial government of the Philippine Islands; (3) free public-employment agencies opened under the supervision of municipal officers.

Porto Rico.—Bureau of labor established, the commissioner of which is charged with the duty of investigating sanitary conditions of factories and workshops.

Rhode Island.—(1) Accident law enacted; all public-utility employers must hereafter report all accidents to employees and other persons to the commissioner of labor; (2) child-labor law amended and strengthened; (3) workmen's compensation-for-injuries law enacted, by which the old common-law defenses

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of "contributory negligence," "fellow-servant" doctrine, "assumption of risk," and "waiving of rights" are abrogated; (4) mutual insurance agreements and agencies may be established by employers or by employer and employees.

South Carolina.—(1) Voluntary relief schemes established by employers for payment of sick and death benefits, to be hereafter approved and licensed by the State department of insurance; (2) act passed establishing a State department of agriculture, commerce, industries, and immigration; (3) child-labor law enacted by which children under 14 are prohibited from being employed as messengers for telegraph and telephone companies or in questionable places of amusement; (4) locomotives hereafter must be equipped with standard headlights.

Virginia.—(1) Factory-inspection law amended and strengthened so that more stringent provisions for ventilation and sanitation must be enforced; (2) all employers directed to establish a semi-monthly pay day; (3) department of mines established, with authorized inspectors to enforce standard safety mining regulations; (4) a 10-hour-day law enacted governing employment of women and children; (5) railroad companies' liability law for injuries to employees not amended and strengthened by which most of the old common-law defenses are modified or abrogated.

DIGEST OF STATE LEGISLATIVE GAINS, 1912.

In conformity with my report of last year, under the head of "State legislative gains," I append herewith a digest of the laws enacted by the several legislatures during the session of 1912:

ACCIDENT REPORTS.

The States of California, Massachusetts, Michigan, New Jersey, and Rhode Island made it obligatory by law during the legislative session of 1912 for public-service corporations and other employers to report all accidents to their employees to responsible public officials.

ACTIONS FOR PERSONAL INJURIES OR DEATH.

The Arizona constitution forbids laws limiting damages recoverable for death or injury.

The Ohio constitution was amended to forbid the enactment of laws limiting damages recoverable for injury causing death.

BLACKLISTING.

Arizona enacted laws forbidding blacklisting, with a fine therefor.

New Mexico forbade the enactment of any measure preventing a discharged employee from obtaining work.

BUREAU OF LABOR.

A bureau of labor was created for the island of Porto Rico.

The Massachusetts Legislature extended and strengthened the bureau of labor statistics by creating a new board under the title "State board of labor industries," consisting of five members, to promote industrial development, improve industrial conditions, enforce labor laws, inspect factories, etc., and report of industrial accidents to be filed with this board.

South Carolina provides for a department of agriculture, commerce, and immigration under a commissioner, who must have knowledge of agricultural, manufacturing, and general industries.

The New York statute was amended extending power of the commissioner to education and training of aliens and their treatment in labor camps by employment agencies, etc.

In New Jersey the State department of labor law was amended and strengthened.

WORKMEN'S COMPENSATION FOR INJURIES.

Twenty States now have workmen's compensation laws. Those enacted during 1912 are as follows: Arizona, Maryland, Montana, and Nevada. The new State of Arizona has adopted constitutional provisions authorizing such statute.

Louisiana appointed a commission to look into the subject.

EMPLOYERS' LIABILITY.

While the greater attention of the legislatures of the different States in session last year (1912) was given to the subject of compensation legislation, some important laws were passed relative to that of employers' liability, the two subjects being to some extent considered simultaneously in the same legislation.

Arizona.—An employers' liability and workmen's compensation for injuries statute enacted.

Louisiana.—The old common-law defenses of "assumption of risk" and "fellow servant" doctrine, applicable to public-service corporations, was abrogated.

New Mexico.—The old common law of "fellow servant" abrogated and the defense of "contributory negligence" defined.

Massachusetts.—Employers' liability law amended by making sufficient as a form of notice any signed written communication giving information as to the fact of the injury, time, place, and cause. The statute relative to the liability of railroad companies was amended, making the minimum recovery for damages for death at \$500 and the maximum at \$10,000.

Mississippi.—Liability of railroads for injury was made broader in the interest of employees and passengers.

Virginia.—Liability for injury law amended and strengthened.

Maryland.—A cooperative insurance fund was established for miners, employer to pay at least one-half of the premiums of such insurance.

Michigan.—A workmen's compensation for injuries act was passed, including an industrial accident board, a State accident fund, and optional privilege of employees organizing "mutual insurance companies."

Rhode Island.—A workmen's compensation for injuries law was enacted, by which the old common-law defenses of "contributory negligence," "fellow-servant" doctrine, "assumption of risk," and "waiving of rights," were abrogated. Mutual insurance schemes may be established.

The California constitution provides for compulsory compensation systems, irrespective of fault, and for settling disputes by arbitration, by an industrial accident board or by courts.

The Ohio constitution authorizes compulsory contributions to a State fund for compensation for death, injuries or occupational diseases occasioned in course of employment, and their right of action in the courts for employees is left intact.

New York Legislature authorized the enactment of a compensation or insurance law, which shall be the exclusive remedy in cases of injuries to employees.

The national law granting compensation for injuries to Government employees was extended to employees in the Bureau of Mines, and the Forestry Service of the United States, light-house employees, and for employees on the Panama Canal and the Panama Railroad.

New York City had its charter amended by an act of the State legislature, allowing 30 days' leave of absence with pay to employees injured in employment.

Philippine Legislature passed a law to pay injured employees for 90 days during disability, if necessary; also cost of transportation and medical and hospital attendance. If injury proves fatal burial expenses and 90 days' wages to be paid to family of deceased employees.

COMMISSIONS APPOINTED.

The following commissions were appointed to investigate specified subjects and report:

A commission on industrial relations (an act by Congress).

An employers' liability commission by the State of Louisiana.

A commission on workmen's compensation provided for by the Federal Congress completed its report.

A factory commission in New York was given added power throughout the State, to investigate manufacturing conditions and conditions in mercantile establishments, and make report.

The Massachusetts Homestead Commission was authorized to continue its work and to make report.

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New Jersey.—The legislature provided for two commissions—one to revise and codify mechanics' lien laws, and the other to propose plans for the employment of convicts in part, etc., in competition with free labor.

Maryland.—A commission to investigate the penal system and report to the legislature.

Mississippi.—Appointed a joint committee of the senate and house to investigate a strike at McComb City and Water Valley, and report.

The House of Representatives of the United States Congress requested the Secretary of Commerce and Labor to transmit information in his possession as to the strike in the bituminous coal mines in Westmoreland County, Pa., and directed the Secretary of Commerce and Labor to ascertain and report cost and profit in the "present high price of anthracite coal," and the benefits to miners from recent strike agreement, and why, how much, and by what means, the price of coal was at the same time increased.

The United States Senate passed a resolution requesting the Secretary of Commerce and Labor to obtain through the Bureau of Labor and report information as to wages and conditions of living of mill workers in Lawrence, Mass.

CONVICT LABOR.

The Ohio constitution was amended, requiring State employment for convicts and forbidding the farming, contracting, or giving away of any work, product, or profit of convict labor. Convict goods to be sold in the State to be marked "prison made."

Louisiana prohibits the use of convict labor for private purposes, and directs the prison officials to fix a code of rules, hours of labor, etc.

Massachusetts amended the existing law to extend the use of convict labor in the manufacture of goods for public use.

Virginia provided for the establishment of kilns for the production of lime from limestone or oyster shells for sale to consumers in the State at such prices as to pay the cost of production, interest on the investment, and a surplus of 10 per cent to cover wear and tear.

New Jersey provides for the employment of county convicts on highways, and authorizes counties to ask for State convicts for use on such work within their limits.

Kentucky amended the constitution so as to permit the State to employ convicts in improvements of public roads, building bridges, etc.

New Mexico directed that the net earnings of convicts should go to their families for their support, and forbade the leasing of convicts.

CONTRACT OF EMPLOYMENT.

The Arizona Legislature forbade anyone hiring labor to accept fees from workmen for employment and made punishment for false representation as to assets and failure to pay for labor subject to civil suit.

South Carolina required employers who require notice from their employees to give notice two weeks in advance to employees of intention to shut down, and length of time.

Massachusetts amended the act requiring employers advertising for labor to give notice of strike in existence, "until State board of conciliation and arbitration decides that conditions are normal." Also amended the labor law providing penalties for bribery, etc., of employees by increasing penalties where the offender is charged with the offense in connection with the employment of labor.

Mississippi forbade tipping; the penalty for employers who violate this law is double that of the giver of tips.

Laws were revised regulating bonds of employees of railroads or public utilities corporations by the Legislatures of Arizona, Louisiana, and Georgia.

Congress made provisions for payment of rewards to employees of the ordnance department for inventions, improvements, economies, etc., that may be devised; and for inventions of employees in the Post Office Department.

EMPLOYMENT OF WOMEN AND CHILDREN.

The Legislature of Arizona fixed the age limit of employment of children above ground at 14 years, underground at 16 years; eight hours as a maximum workday. Children under 18 not to be employed in places dangerous or in-

injurious to health. Seats to be furnished female employees. No female to be employed in or about any mine, quarry, or breaker.

Maryland repealed former law and enacted a detailed law, making the age employment limit for children 14 years; employment under 18 years of age forbidden in hazardous work, and under 21 in saloons. No female under 18 to be employed in any work in which she must stand constantly. Messengers and street trades also regulated. Eight inspectors appointed to carry out the law.

Minnesota redrafted its law; principal changes were the requirement of medical examination for all children before employment; exemption permitting employment of poor or dependent children was stricken out. Hours of labor under 16 years reduced to eight per day. The exemption as to prohibited night work at holiday time was stricken out. Messenger service forbidden to girls between the hours of 9 p. m. and 5 a. m.

New York required a physical examination and certificate in all cases even of legal age before an employment certificate is issued.

New Jersey forbade employment of children under 16 between 7 p. m. and 7 a. m. in hakeries.

Mississippi fixed the minimum age of employment for girls, 14 years; hours for boys under 16 and girls under 18, eight hours per day.

Louisiana forbade employment of minors under 17 in pool or billiard rooms, and prohibited the employment of children in questionable entertainments and dangerous occupations.

New Mexico prohibited the employment of children under 14 years in mines.

Rhode Island forbade messengers under 21 to deliver goods or messages between 10 p. m. and 5 a. m.

South Carolina forbade employment of children under 14 as messenger, and children under 18 to act as such between 10 p. m. and 5 a. m.

Arizona forbade employment of children under 16 years during school hours without a written permit from the board of trustees, unless such child is being otherwise taught or is excused for designated reasons.

Maryland enacted a law requiring school attendance between the age of 8 and 14, or until 16 years unless lawfully employed.

Massachusetts established a minimum wage commission of three persons to inquire into wages paid females. Wage boards may be appointed representing employers and female employees interested. Law was amended providing against employment of the same person in more than one establishment in such a manner as to evade the 51-hour law.

New York established a nine-hour day for males under 18 and females under 21.

New York prohibited the employment of women and children in barrooms.

Massachusetts ordered seats for female employees.

Kentucky limited employment of females to 10 hours per day and required that seats, wash rooms, etc., must be furnished.

Maryland established a 10-hour day and 8 hours as maximum night's work. Three inspectors appointed to enforce the law.

New Jersey enacted a 10-hour day and 8 hours as a maximum night's work. Three inspectors appointed to enforce the law.

New Jersey enacted a 10-hour day for females.

Massachusetts made the law regulating the employment of women in foundry core rooms more stringent.

New York made it unlawful to employ women within four weeks after childbirth. Suit-for-wages law by female workers in New York City amended by making the additional award of costs formerly provided discretionary with the court instead of mandatory.

INSPECTION AND REGULATION OF FACTORIES.

Massachusetts.—Guards for elevators and movable machinery, belting, shafting, etc., and bringing mechanical establishments, workshops, and mercantile establishments within the scope of the factory law. Improvement of work of inspection and force employed therefor. Fire prevention in factories law provided. Seats for operators of passenger elevators provided.

New Jersey.—Guards on dangerous machinery, ventilation, sanitation, etc. Factory inspectors increased.

New York.—Greater safety, health, and comfort to factory employees adopted by the legislature. Fire prevention laws established. Factory inspectors in-

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creased. Ventilation, lights, etc., relative to work in compressed-air establishments improved.

Ohio.—Laws providing for the comfort, health, safety, and general welfare of all employees.

Virginia.—Statute requiring separate toilets amended, requiring more toilet conveniences where increased numbers are employed.

Louisiana.—Ventilation and sanitation in printing offices.

Kentucky.—Factory-inspection law enacted, providing two labor inspectors and two assistants.

Maryland.—Inspection of employment of children and hours of labor for women.

HOURS OF SERVICE.

The constitutions of new States, Arizona and New Mexico, provide for an 8-hour day on public work. New Mexico provided for 16 hours for railroad employees. Arizona provided for 8 hours per day for hoisting engineers at mines and furnacemen at smelters. Certain employments declared injurious to life and limb, and provided an 8-hour day for such work.

Louisiana provided the 8-hour day for stationary firemen.

The Massachusetts Legislature provides that contracts for the State printing shall be awarded to shops that have prescribed an 8-hour day. Nine hours for employment on street railways. Extra pay allowed for over 9 hours. Every workman must have at least eight hours uninterrupted rest.

Mississippi made a 10-hour day applicable to all persons.

In New Jersey no employer may work his employees over 10 hours per day, except in emergency, when there shall be extra pay for overtime. Children under 16 may not be employed between the hours of 7 p. m. and 7 a. m.

The Ohio Constitution provides for an 8-hour day.

Ohio authorized the passing of laws fixing and regulating the hours of labor in employment generally.

Congress passed an 8-hour-day law to apply to laborers or mechanics doing work under contract with the United States or in any of its Territories or the District of Columbia. Contracts for certain cannon and carriages for the Government only let to those who have established the 8-hour day for all employees. Contracts for construction and repair of ships, machinery, armament, etc., for the Navy come within the 8-hour law. All supplies, unless bought in the open market, must be produced under the 8-hour law.

Hours of labor for letter carriers and clerks in post offices were fixed at eight, with overtime-pay in cases of emergency, and, if compelled to work Sunday, with time off on one of the six following days.

MINE REGULATIONS.

The new States of Arizona and New Mexico created a mine inspector's office.

The Virginia Legislature created a department of mines, in charge of a State mine inspector.

The Maryland Legislature appropriated \$25,000 for building a hospital for persons injured in accidents in mines.

OCCUPATIONAL DISEASES.

Maryland and New Jersey required all occupational diseases to be reported by physicians, and penalty of \$10 to be imposed for failure to report.

RAILROADS.

Arizona.—A corporation commission was provided by the new State of Arizona, to make and enforce rules for the convenience, comfort, safety, and health of employees of public service corporations and to investigate accidents. The use of defective locomotives which allow steam to escape so as to obstruct the view of the crew was forbidden. Electric headlights on locomotives were required. A full-crew law was enacted. Flagmen must have one year's experience of brakemen. The number of cars in a freight train limited to 70 and the number in a passenger train to 14. Engineers must have had three years' experience as firemen or engineers and conductors a similar term of experience as brakemen or freight conductors before taking full charge of trains. Telegraph and telephone operators whose duties relate to trains must be at least 18 years and have had one year's experience.

New Mexico.—A State corporation commission was provided to require safety appliances on railroads.

Louisiana.—The blocking of angles in frogs and crossings of railroads was required, so as to prevent the wedging of the feet.

Mississippi.—The law enacted requires electric headlights on locomotives. The State railroad commission was authorized to require shelters over repair tracks when necessary.

South Carolina.—The use of electric headlights on locomotives was made compulsory.

STREET RAILROADS.

Louisiana.—Seats must be provided on platforms for motormen and conductors, for use outside business districts of cities.

Mississippi.—Street railway cars must be equipped with inclosed vestibules.

RIGHTS OF EMPLOYEES.

Minnesota and New Mexico.—Employers are prohibited from using any threat intended or calculated to influence the political action of employees. New Mexico allowed two hours off duty for voting, without penalty, intimidation, threats, etc., and provided for the absence of railroad employees from home on election day.

California.—Two hours for voting without loss of wages was granted to employees.

Arizona.—Any act to prevent employment of a member of the national guard or to obstruct the business of the employer of such member was forbidden.

Massachusetts.—A similar provision, relating to the members of the militia and naval reserves was provided.

RETIREMENT FUNDS AND BENEFITS.

South Carolina.—The legislature authorized any corporation, doing business in the State, that desires to provide sick, accident, or death benefits to do so on paying a license fee graded according to the number of counties in which the corporation desires to do business.

Arizona.—The legislature forbade and declared void all rules of railroad-relief societies which require releases or waivers by employees of their rights under the statutes of the State.

Massachusetts.—The legislature provided for pensions for laborers employed by the cities and the towns accepting the act, and for the retirement, at the age of 60, of employees who have worked for 25 years in municipal service and who have become incapacitated, or who have worked for 15 years and who have become incapacitated by injury in the performance of duty. The pension rate is one-half the average annual compensation for the last two years of service. The statute providing for a retirement system for employees of the State was amended by restricting the definition of the word "employees" to "permanent and regular employees of the State."

III. National economic gains during 1912.

The summary herewith given briefly states the successes which have been officially recorded as the accomplishments for the year 1912 and which have accompanied the persistent endeavors of the trade-unions in the United States and in Canada, affiliated to the American Federation of Labor. It will be found that this text will verify in an extended form the specific data contained in the statistical tables from the International unions in the United States and Canada found elsewhere in this report.

In order that the economic value of the American trade-union movement may be better comprehended I feel it is my duty to lay special emphasis upon the fact that the successes recorded are largely the results of efforts through direct negotiations with the employers and generally not accompanied by stoppages in the industry. Where successes have been secured through stoppages of the work, they are duly referred to as the result of strikes.

Asbestos workers.—Net number of new unions, 3; membership increase during the year, 300; number of strikes during the year, 5; number won, 3; compromised, 1; pending, December 31, 1912, 1; number of persons involved in the strikes, 200; number benefitted, 200. Without strikes the wages were increased

50 cents per day for 75 men; hours were reduced one hour per day for 50 men; death benefits paid, \$500.

Bakers.—Net number of new unions, 14; gain in membership for year, 218; strikes won, 15; compromised, 2; pending, 8; number of persons involved in strikes, 2,000; number benefited, 1,900; resulting in an average gain of 10 per cent in wages and hours reduced one hour per day. Secured 10 per cent increase in wages in many instances without strikes and obtained improved ventilation and sanitary conditions in shops. Death benefits, \$3,230; death benefits paid to members' wives, \$800; sick benefits, \$30,000; donations to other unions, \$3,000; cost of strikes, \$22,500.

Barbers.—Net number of new unions, 12; gain in membership, 1,160; number of strikes, 2; number won, 2; number of persons involved, 21; number benefited, 21. As a result members received gain in wages of 20 cents per day and hours reduced one-half hour per day. Attempts were made in some localities to reduce wages; all were successfully resisted. Death benefits, \$25,000; sick benefits, \$47,000; donations to other unions, \$8,100; cost of strikes, \$343.

Blacksmiths.—Net number of new unions, 14; number of strikes, 1; number of persons involved, 3,800; number benefited, 3,400; a gain of wages of 12 cents per member per day with better ventilation and sanitary conditions of shops. All attempts to reduce wages during year were successfully resisted. As a result of persistent effort the wages of blacksmiths have been increased, hours of labor reduced, and better sanitary conditions of shops have been secured. Cost of strikes, \$55,000.

Boiler makers.—Net number of new unions, 33; number of strikes, 95; number of persons involved, 6,000; number immediately benefited, 3,000; hours of labor were reduced from nine to eight per day and many new contracts signed with employers by local lodges carrying higher and better working conditions without strikes. Death benefits, \$2,100; donations to other unions, \$1,000; cost of strikes, \$148,000. As a result of organization wages and conditions of work was constantly improving for boiler makers. The employers, as a rule, give a more wholesome respect for observance of our working contracts.

Bookbinders.—Net number of new unions, 8; number of strikes, 4; chiefly caused by employers trying to introduce the "open-shop" system. General increase of 10 per cent in wages secured without strikes. Death benefits, \$5,500; cost of strikes, \$3,100.

Boot and shoe workers.—Net number of new unions, 2; gain in membership, 1,200; strikes won, 2; pending, 1; lost, 1, because places were filled by hostile (independent) union; number of persons involved, 440; all benefited in addition to many other workers not involved in strikes. All attempts to reduce wages were successfully resisted. Death benefits, \$16,000; sick benefits, \$77,000; disability benefits, \$3,500; donations to other unions, \$15,000; cost of strikes, \$47,000. As a result of the efforts of the boot and shoe workers' organization a substantial reduction in the hours of labor has been gained in the factories where members are employed. At a conservative estimate and from the best data at hand a total increase of \$2,200,000 in wages was secured for the membership during the year 1912 by this organization.

Brewery workmen.—Number of strikes engaged in, 41; number won, 31; compromised, 3; pending, 3; lost, 4; number of persons involved, 2,000; number benefited, 1,900; as a result a gain of 25 cents per member per day was secured. The eight-hour day has been inaugurated wherever it was not already enforced; improved sanitary conditions have been established; men have been employed in place of boys; wages have been increased; hours have been reduced in many cities without strikes; all attempts to reduce wages or impose harsh conditions were successfully resisted. Cost of strikes, \$8,000; donations to other unions, \$2,800.

Brickmakers.—Net number of new unions, 7; number involved in strikes, 700; number benefited, 700, resulting in an increase of 15 per cent in wages; three union-shop agreements secured without strike, thereby gaining an increase in wages ranging from 15 cents to 65 cents per day; no reduction in wages during year; death benefits, \$150; cost of strike, \$2,000.

Bridge and structural ironworkers.—Net number of new unions, 3; gain in membership, 1,000; number of strikes, 4; won, 3; pending, 1; number of persons involved, 2,000; number benefited, 2,000, and as a result secured a gain in wages of from 5 cents to 10 cents per hour. Several attempts were made to reduce wages; all were successfully resisted. Death benefits, \$12,500; donations to other unions, \$3,000. The 8-hour day prevails in this trade; hours formerly worked under nonunion conditions, 10 or more per day.

Brush makers.—Secured an advance in wages of \$2 per member per week for many members as result of strike; hours of labor reduced from 59 to 55 per week without strike.

Carpenters.—Net gain in membership, 4,000; number of strikes, 15; number won, 10; compromised, 4; lost, 1; number of persons involved, 1,000; number benefited, 1,000. As a result of direct negotiations, without strikes and with strikes, wages were generally increased from 2½ cents to 5 cents per hour. The 8-hour day generally prevails in this trade, but in some cases where nine hours were still being worked the 8-hour day was gained. Several attempts were made to reduce wages; all were successfully resisted. Death benefits, \$260,000; death benefits for members' wives, \$37,000; cost of strikes, \$16,000.

Carriage and wagon workers.—Net number of new unions, 5; number of persons involved in strike, 200; number benefited, 200, resulting in an increase in wages of 25 cents per member per day. An increase in wages of 20 cents per member per day was secured for many members without strike. Several attempts were made to reduce wages; all were successfully resisted. Death benefits, \$1,100; cost of strike, \$600.

Carvers, wood.—Increase in wages of 2½ cents per hour per member secured for 100 members as result of strike, and hours of labor reduced from 50 to 44 per week. As a result of organization and without strikes, working hours in custom shops in the large centers have been set at 44 hours per week and wages have been increased an average of 2½ cents per hour. Death benefits, \$3,000; to insurance, \$150; cost of strike, \$90.

Cement workers.—Net number of new unions, 27; increased wages secured in many localities without strike; no reduction in wages effected.

Cigar makers.—Net number of new unions, 7; number of strikes, 55; number won, 35; compromised, 1; pending, 15; lost, 4; number persons involved, 2,873; number benefited, 2,831. All attempts to reduce wages were successfully resisted. The Cigarmakers' International Union established the 8-hour day May 1, 1886, and as a result the social, moral, and physical condition of the members of this trade has been vastly improved. In fact, since that time the average length of life of the members has been increased over 16 years in comparison with the length of life of those who followed the trade previous to the institution of the 8-hour workday. During 1912 traveling members received \$33,114 in benefits. To those on strike \$12,647 was paid, these two benefits costing \$0.034 per capita for the year. The sick benefit paid amounted to \$204,776, costing the members \$4.336 per capita. The death and total disability benefits amounted to \$261,910, costing the members \$5.405 per capita. The out-of-work benefits paid amounted to \$42,911, at a per capita cost of \$1.062. The total cost per member per year for all these benefits was \$11.11, the balance remaining in the cigar makers' treasury at the close of 1912 being \$339,475.

Coat, hat, and cap makers.—Net gain in membership, 600; number of strikes, 19; number won, 15; pending, 2; lost, 2; number of persons involved, 190; number benefited, 190; hours of labor reduced one-half hour per day; also obtained free sewing machines and Saturday half holidays for many members without strikes. As a result of persistent endeavor by this organization the following benefits have been secured: In the period from 1902 to 1907 hours of labor have been reduced from an unlimited number formerly worked to 56 hours per week, 8 holidays during the year, and a general increase of 50 per cent in wages. In the period from 1907 to 1912 we have secured free thread, free electric power, free sewing machines, and a reduction in hours of labor from 56 to 50 hours per week, and a general increase for that period of 10 per cent in wages. Sick benefits, \$1,000; donations to other unions, \$2,500; cost of strikes, \$13,000.

Commercial telegraphers.—Net number of new unions, 2; average wage of 1,000 members increased from \$60 to \$66 per month; free typewriters are now furnished by the Western Union Telegraph Co., which saves a rental to the operators an average of \$2 per month for over 10,000 persons. Relief from this expense was one of the demands made by the commercial telegraphers in the strike of 1907.

Coopers.—Net number of new unions, 3; number of strikes, 14; number won, 5; compromised, 6; pending, 1; lost, 2; number of persons involved, 422; number benefited, 334, who received 35 cents per member per day increase in wages, and hours of labor reduced one-half hour per day. Many favorable new contracts were secured, and old ones renewed without strikes. All attempts to reduce wages were successfully resisted, and in some cases after an attempt

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to reduce wages was made, a settlement was secured on the basis of an increase in wages. Death benefits, \$3,000; cost of strikes, \$8,000.

Cutting die and cutter makers.—Number of strikes, 3; number won, 2; pending, 1; number of persons involved, 170; number benefited, 160; as a result 10 per cent increase in wages was secured and hours reduced 2 per week. No reduction in wages during the past year. Death benefits, \$5,000; cost of strikes, \$8,000. This organization has succeeded in reducing the hours of labor for its members from 60 to 48 per week. The union shop has been established and higher wages are paid for the shorter week than were formerly paid for the longer week.

Diamond workers.—Secured slight increases in wages. Have established the union shop with a sliding scale of wages, running from \$28 to \$75 per week of 48 hours. Unemployed benefits, \$11,000; cost of strikes, \$9,000.

Electrical workers.—An increase in wages averaging 50 cents per day secured for 850 members, and an average increase of 25 cents per day secured for 3,700 members. Every attempt to reduce wages was successfully resisted. Death benefits, \$8,500; donations to other unions, \$12,000; sick benefits, \$8,900.

Elevator constructors.—Gain in membership, 170; secured an average increase of wages of 40 cents per day for all members. The eight-hour day and the union shop are established in this industry.

Engineers, stationary.—Net number of new unions, 20; gain in membership, 3,500; secured increase in wages and established eight-hour day in many localities; a large number of old agreements renewed and new ones secured without strike.

Firemen, stationary.—Net number of new unions, 27; gain in membership, 8,000; number of strikes, 5; number won, 4; pending, 1; persons involved, 148; number benefited, 128. All attempts to reduce wages were successfully resisted, and in one instance an increase in wages was secured in the settlement. Death benefits, \$3,700; death benefits to members' wives, \$800; sick benefits, \$1,200; donations to other unions, \$1,000; cost of strikes, \$1,200. As a result of the efforts of this organization, wages to stationary firemen have been increased 20 per cent; 1,400 have had their hours reduced from a 12-hour day to an 8-hour day; 2,200 have secured a six-day working week instead of a seven-day working week, and over 4,000 firemen have secured a week's vacation per year with pay.

Foundry employees.—Secured increases in wages without strikes; death benefits, \$400; sick benefits, \$400; donations to other unions, \$200.

Garment workers, united.—Secured increase in wages, averaging 10 per cent for 20,000 members; made many substantial gains in other particulars, such as securing from employers free thread, free oil, and other necessary working materials. Factory conditions greatly improved as to ventilation, sanitation, and general comfort.

Garment workers, ladies.—Number of persons involved in strikes, 2,800; resulting in reduction of hours per day, 1. All attempts to reduce wages were successfully resisted. Through the efforts of this organization, hours of labor have been reduced from an unlimited number per week to a standard of 50 per week, and all legal holidays are duly observed.

Glass bottle blowers.—Agreements with employers renewed maintaining previous years' conditions. Death benefits, \$61,000; unemployed benefits, \$165,000; donations to other unions, \$5,500.

Glass workers, amalgamated.—New agreements with employers secured in six cities without strike. All efforts to reduce wages failed. Before organization men in this trade in New York City worked 56 hours and 60 hours per week for \$14. The minimum wage now paid is \$20 for a 48-hour week.

Glove workers.—Net number of new unions, 4; gain in membership, 275. Agreements secured from 10 employers, including an increase in wages ranging from 5 to 10 per cent without strikes. Several attempts to reduce wages were made, most of which were successfully resisted. In one instance, the settlement of a dispute secured an increase in prices for making gloves, and the local union increased its membership from 77 to 250. The endeavors of this organization have increased wages for block cutters over 40 per cent. Uniform prices for work have been established and the system of paying for machine rent and use of power abolished. A weekly pay day has been established, and a 54-hour week and Saturday half-holiday generally secured.

Granite cutters.—Net number of new unions, 3; won 12 strikes; 2 pending; number of persons involved, 1,800; number benefited, 1,800—by which they secured an increase in wages of about 16 cents per member per day. Many

gains in other respects, by which sanitation was improved and unhealthful machines eliminated. Cost of strikes, \$27,000. Donations to other unions, \$5,900. As a result of the work of this organization and without the need of strikes, arrangements have been made with employers by which a minimum wage of \$4 per day has been obtained, with a 44-hour working week, and working sheds made comfortable in winter by installing proper heating and ventilating systems.

Grinders, pocketknife blades.—Old agreements with employers renewed. No reduction in wages effected during past year. Cost of strike, \$3,300.

Hatters.—All attempts to reduce wages successfully resisted. Death benefits, \$50,000; donations to other unions, \$4,500.

Hodcarriers.—A general advance in working conditions and wages secured for members during year; strikes engaged in, 11; number won, 9; compromised, 2; death benefits, \$3,000; donations to other unions, \$1,200.

Horseshoers.—Net number of new unions, 8; gain in membership, 200; number of strikes, 3; number won, 3; number of persons involved, 300; number benefited, 300. As a result an increase of wages was secured ranging from 25 to 50 cents per member per day. Many gains in other respects by which the union label was recognized and a proper regulation of apprentices; wages were increased; hours were reduced in several cases without strikes; donations to other unions, \$1,400. Cost of strikes, \$8,000. This organization has succeeded in reducing hours of labor from 10 and 11 to 9 per day. Wages paid before organization were about \$2.50 and \$3 per day. Since organization wages range from \$3 to \$5 per day, and the Saturday half-holiday during summer months has been secured in a large number of cities.

Hotel and restaurant employees.—Net number of new unions, 37; gain in membership, 3,800; number of strikes, 43; number won, 29; compromised, 7; pending, 4; lost, 2; number of persons involved, 755; number benefited, 540; resulting in advance of wages of about 7 per cent to the members involved. Death benefits, \$27,000; sick benefits, \$35,000. Donations to other unions, \$20,000. Costs of strikes, \$12,500. As a result of the efforts of this organization employees are treated more reasonably by employers, so that less irksome conditions of labor prevail; number of working hours are fewer; a weekly rest day in many cases has been secured.

Iron and steel workers.—Puddlers and other members in the boiling departments secured an increase in wages averaging 8 per cent without strikes. Death benefits, \$4,200. Death benefits to members' wives, \$600. Sick benefits, \$9,000. Donations to other unions, \$300.

Lace operatives.—No reductions in wages effected during year. Death benefits, \$1,500. Death benefits to members' wives, \$400. Donations to other unions, \$700. Cost of strikes, \$500.

Lathers.—Wages paid to lathers have advanced 100 per cent as a result of this organization. During 1912 an average increase of about 10 per cent was secured without strikes. Death benefits, \$5,500.

Laundry workers.—Gain in membership, 500. Several increases in wages and reduction in working hours were secured without strikes. All attempts to reduce wages were successfully resisted. As a result of organization among laundry workers, members are now enjoying an eight or nine hour day with pay for overtime, whereas the unorganized laundry workers are working unlimited hours with no overtime pay and smaller wage rates per day. As a result of legislation, the eight-hour working day has been secured in several western cities through State legislation for laundry employees.

Leather workers.—Death benefits, \$1,500; sick benefits, \$2,200; donations to other unions, \$1,600; unemployed benefits, \$300. As a result of continued effort, hours have been reduced from 10 to 9 per day. A 20 per cent increase in wages was secured for 400 men during the year without strike. In all districts where this trade is organized, piece prices paid on different classes of work are far higher than those paid in unorganized districts, and the hours per day or week are fewer.

Lithographers.—Gain in membership, 420. The 48-hour week prevails throughout the trade as a result of organization.

Longshoremen.—Net number of new unions, 14; number of strikes, 4; number won, 4. Secured several increases in wages without strike. All attempts to reduce wages during the year successfully resisted.

Machinists.—Net number of new unions, 48. Gain in membership, 7,000. Agreements made with 75 manufacturing employers and 28 railroad systems without strike, by which a total of \$1,250,000 in increased wages were secured

for over 22,000 machinists. Shop conditions have been materially improved, the straight eight-hour day has been obtained in several cases, and the 50-hour week in others, as a result of direct negotiations with employers. The Federal eight-hour law has been enforced on all naval and ordnance contracts in private shipyards and private ordnance works, thereby directly benefiting over 25,000 organized and unorganized workers in such establishments. Death benefits, \$57,000. Cost of strikes, \$525,000.

Maintenance of way employees (railroad track repair men).—Net number of new unions, 36; an average increase of 5 cents per member per day has been secured during the year without strikes; death benefits, \$14,000.

Marbleworkers.—Net number of new unions, 3; gain in membership, 100; number of strikes, 9; number won, 6; compromised, 1; pending, 1; lost 1; number of persons involved, 2,000; number benefited, 1,200. As a result an increase in wages of 35 cents per member per day was gained, and "negotiations are still under way for an increase in wages for the men involved in the other strikes." Donations to other unions, \$4,000; cost of strikes, \$9,000.

Meat cutters.—Gain in membership, 800. Increase of 25 cents per member per day has been generally secured and hours of labor reduced two and three hours per day, without strikes. Death benefits, \$1,500; sick benefits, \$4,000; donations to other unions, \$3,000. General results of organization: Former wages averaged \$9 to \$12 per week; the minimum wage now is \$15 per week and many receive a higher rate. Former working hours ranged from 13 to 16 hours per day; the straight 10-hour day now prevails.

Metal polishers.—Gain in membership, 1,000; number of strikes, 29; number won, 20; compromised, 4; pending, 4; lost, 1; number involved, 800; number benefited, 800. An average increase in wages of 15 per cent was gained and working hours reduced one-half hour per day. All attempts to reduce wages were successfully resisted. Death benefits, \$3,200; donations to other unions, \$1,800; cost of strikes, \$4,400. As a result of persistent effort this organization has succeeded in materially increasing wages, has gradually reduced hours, and secured the installation of modern sanitary conditions, with proper ventilating and blowing systems, so that the help of grinders and metal polishers has been greatly benefited.

Metal workers, sheet.—Net number of new unions, 32; an average increase of 40 cents per member per day secured for 125 members because of strike. The past year has seen a general improvement in the wage scales and the hours of labor. Death benefits, \$96,000; donations to other unions, \$5,000; cost of strikes, \$23,000.

Mine Workers, United (coal).—Number of new unions, 48; gain in membership, 154,000; number of persons benefited because of strikes, 165,000, securing thereby an increase in wages of 10 per cent; no reduction tolerated during 1912. Eight-hour day universal throughout the trade where organized. Much beneficial legislation in the interest of coal-mine employees secured in many States. The Federal law governing the Bureau of Mines was materially strengthened and improved. The total aggregate increase in wages received by the organized coal miners during 1912 amounted to over \$8,000,000.

Miners, metalliferous.—Seven thousand miners in Montana secured an increase of 50 cents per day without strike; 14,000 miners in other districts received an increase of 25 cents per day. A small increase was obtained in three districts affecting 700 miners. Attempted reductions of wages in Nevada resisted by strike. An eight-hour law has been secured in the new State of Arizona governing mines, mills, and smelters. Death benefits, \$27,000; sick benefits, \$116,000; donations to other unions, \$10,200. Cost of strikes, \$108,000. During 1912 the Western Federation of Miners made remarkable progress; in fact, greater than in any preceding year. The average increase in wages per member per year amounted to nearly \$100. The aggregate increase in wages per month amounted to \$286,853; the aggregate increased wages for the year amounted to \$3,442,230. Thirty-five thousand metal miners received an increase of wages during 1912. The total reduction in hours of labor for the year equaled 2,983,510 hours; 8,200 metal miners were benefited by a reduction in hours, and the total wage saved by a reduction of hours, computed at 37½ cents per hour, equaled \$1,200,000. No reduction in wages accompanied the reduction in hours in any of the places affected. The grand total gain to the men working in the metal-mining industries in the campaign organized under the Western Federation of Miners, according to the scale of wages paid, amounted for the year to \$4,562,000. Fifty local unions of the Western Federation of Miners

own their meeting halls. Many of them have their own hospitals. A grand total of over \$1,000,000 is invested in property of this character.

Molders and coremakers.—In over 200 foundries they secured an increase in wages ranging from 15 cents to 50 cents per day through direct negotiations with employers without strikes. The nine-hour day has been practically established throughout the trade. Many members have been benefited by the enactment of the Federal eight-hour law on Government work in private shipyards and private ordnance works. No reductions in wages have been effected during the year. Shop conditions dealing with sanitation and ventilation have been materially improved in many localities. Death benefits, \$62,000; sick benefits, \$152,500; unemployed benefits, \$11,000; cost of strikes, \$263,000.

Musicians.—Net number of new unions, 50; gain in membership, 1,000; over 20,000 members were involved in a lockout by the Theatrical Syndicate. It ended in complete victory for the musicians, and an increase in wages was gained, averaging 10 per cent. Members elsewhere secured recognition of the union and improvement in wages and conditions in many instances without strikes. All efforts to reduce wages were successfully resisted. Donations to other unions, \$6,000. Cost of strikes, \$5,000.

Painters.—Net number of new unions, 8; death benefits, \$100,000; death benefits to members' wives, \$13,000; disability benefits, \$21,000. The eight-hour day generally prevails among the painters.

Paper makers.—Net number of new unions, 16; gain in membership, 2,000; a general increase in wages equaling 5 per cent was secured. Hours of labor were reduced from 11 hours per day to 8 hours per day for over 2,000 members. Better sanitary conditions have been secured and many local organizations secured increased wages and better conditions of employment. Death benefits, \$100,000; cost of strikes, \$17,000. Through the efforts of this organization the workday has been reduced from 11 hours per day and 13 hours per night to a straight 8-hour shift in 50 paper mills. Several increases in wages and reduction in hours have been granted by a number of nonunion employers after the above improvements have been secured in union mills.

Pattern makers.—Net number of new unions, 3; gain in membership, 500. An increase in wages averaging 10 per cent was secured for 240 members, and hours of labor reduced from nine to eight hours per day. Most of the improvements gained were secured without strikes. The extension of the Federal eight-hour law to apply to naval contracts in private shipyards and army contracts in ordnance works materially benefited the members of the pattern makers' league. Death benefits, \$2,425; sick benefits, \$6,220.71; tool insurance, \$7,472.81. Cost of strikes, \$13,489.09. The technical schools inaugurated by the pattern makers in behalf of the apprentices in the trade are having a most beneficial influence.

Pavers and rammersmen.—Secured several wage increases without strike. All efforts to reduce wages successfully resisted.

Paving cutters.—Number of new unions, 8; gain in membership, 200; death benefits, \$2,200; donations to other unions, \$800; cost of strikes, \$550. General improvement in conditions secured by direct negotiations with employers during the year without strike.

Photo-engravers.—New unions, 4; gain in membership, 275; general improvements secured throughout the trade during the year without strike. Death benefits, \$2,000; sick benefits, \$6,300.

Plasterers.—Many local organizations demanded and obtained an increase in wages with better working conditions through direct negotiation with employers. The eight-hour day prevails throughout the trade and Saturday half-holiday is general the year round. Two attempts were made to reduce wages; they were successfully resisted; death benefits paid, \$25,000.

Plate printers.—No reductions in wages during the year. Death benefits, \$1,400.

Plumbers and steam fitters.—Net number of new unions, 54; number of strikes, 60; number won, 45; compromised, 2; pending, 10; lost, 3. In many instances wages were increased and hours reduced without strike. All efforts to reduce wages successfully resisted. Death benefits, \$14,500; sick benefits, \$43,100; cost of strikes, \$82,000. The eight-hour day is universal throughout the trade, and the Saturday half-holiday prevails the year round in most localities.

Potters.—Gain in membership, 50. Agreements renewed by direct negotiation with employers. Death benefits, \$6,000. Cost of strikes, \$2,700.

Powder and high-explosive workers.—Wages increased 12½ per cent and hours reduced from 10 to 9 hours per day in one locality as a result of strike. Many members secured 12½ cents per day increase in wages without strike.

Printing pressmen.—Net number of new unions, 17; gain in membership, 1,000; increase in wages of 25 cents per day secured for 400 members because of strike. Many advantages and increased wages gained in 78 localities without strike. Death benefits, \$16,700. Cost of strikes, \$41,000. The technical school established by the printing pressmen at Rogersville, Tenn., has been of great benefit to its members during the year, the rates of tuition being \$30 for a six-weeks' course.

Pulp and sulphite workers.—New unions, 5; gain in membership, 800; and 5 per cent increase in wages secured for 150 through strike. After persistent effort the eight-hour day has been secured in many pulp mills, and the wages of the workers have been increased over 20 per cent. Donations to other unions, \$1,000; cost of strikes, \$500.

Quarry workers.—New unions, 7; gain in membership, 1,000; increase in wages, ranging from 1 to 3 cents per hour secured for 800 members through strike. Saturday half-holidays secured in three localities without strikes. Shorter hours and higher wages for 500 members secured without strikes. All efforts to reduce wages successfully resisted. Death benefits, \$1,500; donations to other unions, \$400; cost of strikes, \$11,000.

Railroad telegraphers.—New unions, 5; gain in membership, 3,000; during the year the telegraphers negotiated new agreements with many railroad corporations, by which increased wages were secured, hours reduced, and material conditions of telegraphers improved. The total gain in wages for the whole membership during 1912 aggregated over \$1,000,000. Before the railroad telegraphers were organized they toiled from 13 to 18 hours per day, 365 days in the year, for wages as low as \$18 per month in some instances; some few positions of great responsibility paid as high as \$60 or \$70 per month. Since organization the working hours have been reduced to a maximum of nine hours per day, and in many instances an eight-hour day has been secured; minimum wages have been increased to \$55 per month, and the maximum rates for the more difficult positions increased proportionately. Death benefits, \$87,000. Donations to other unions, \$1,200.

Railway carmen.—Net number of new unions, 13; improved working conditions and wage increases have been secured on many railroads through direct negotiations with railroad officials without strike. Cost of strikes, \$68,000.

Railway employees (street car men).—Number of new unions, 20; gain in membership, 1,000; number of persons benefited through strike, 6,000; securing thereby increases in wages ranging from ½ cent to 5 cents per hour; wages were increased in many cities by direct negotiations with officials without strike. Death benefits, \$126,000; sick benefits, \$18,000; donations to other unions, \$14,000. Cost of strikes, \$80,000.

Roofers, composition.—Gain in membership, 50; increase of wages, 25 cents per day; a reduction of hours, one per day, secured for 36 members through strike. Death benefits, \$2,500; sick benefits, \$1,500; donations to other unions, \$600; cost of strike, \$1,000. As a result of persistent effort by the members of this organization, wages have been increased from \$1.75 and \$2 per day to an average rate of \$4.50 per day. The length of workday before organization was 9 and 10 hours per day. At present the eight-hour workday prevails throughout the trade.

Seamen.—All attempts to reduce wages successfully resisted. Better food, better quarters, better treatment, and improved conditions have been secured by the seamen during 1912. Through the efforts of this organization seamen's wages have nearly doubled, and working hours in many ports have been reduced two hours per day.

Shingle weavers.—Wages increased 12 per cent for 40 members through strike. Substantial increases in wages were secured from a number of companies without strikes. Accident benefits, \$2,100; cost of strikes, \$4,000.

Slate and tile roofers.—Gain in membership, 50; wages increased 2½ cents per hour for many members. Death benefits, \$1,200.

Slate workers.—Over 1,000 members benefited because of strike. Death benefits, \$300; death benefits to members' wives, \$100.

Spinners.—An increase of 10 per cent in wages secured without strike. Death benefits, \$1,000; unemployed benefits, \$5,000; cost of strikes, \$35,000. The spinners' union, affiliated with other textile trades, have succeeded in securing legislation through recent years to reduce the length of the working

week from two hours to six hours per week in several States. In every instance where the hours have been reduced, wages have been increased.

Stage employees, theatrical.—New unions formed, 39; gain in membership, 1,000; increase in wages, averaging \$1 a day; benefiting 3,250 members through strikes. All attempts to reduce wages successfully resisted. Death benefits, \$10,000; cost of strikes, \$25,000. Through the efforts of this organization wages have been increased for theatrical stage employees from 25 to 50 per cent over all the United States and Canada.

Stereotypers and electrotypers.—Gain in membership, 90; increases in wages, aggregating \$13,000 annually, secured without strikes; death benefits, \$5,000; cost of strikes, \$5,400. Through the efforts of this organization the eight-hour day has been established throughout the trade, wages have been materially increased and better working conditions generally inaugurated.

Stonecutters.—Gain in membership, 1,500. Several strikes were undertaken during the year, all of which were won, thereby benefiting 2,500 members at a small cost. The net increase in wages aggregated \$150 for the year. The eight-hour day generally prevails, and the Saturday half-holiday the year round has been extended during the year. Death benefits, \$15,000.

Switchmen, railroad.—New unions formed, 11; gain in membership, 316. Many new agreements written with several large railroad companies through direct negotiation without strike, thereby securing substantial increase in wages, and better working conditions. Death benefits, \$109,000.

Tailors.—New unions formed, 18; and 5 per cent increase in wages secured through strikes; 700 members secured the eight-hour day, and an increase in wages in 61 establishments without strikes. All attempts to reduce wages successfully resisted. Death benefits, \$31,000; sick benefits, \$34,000; donations to other unions, \$940; cost of strikes, \$52,000.

Tenmasters.—New unions formed, 31; gain in membership, 1,000; number of strikes, 12; number won, 11; pending, 1; number of persons benefited, 2,200, by securing an increase in wages of 35 cents a day; all efforts to reduce wages successfully resisted; cost of strikes, \$20,000.

Textile workers.—New unions formed, 40; gain in membership, 2,000. The victory of the textile workers in Lawrence, Mass., in their strike against a reduction in wages when the State 54-hour a week law went into effect, which reduced the hours of labor two per week, served as an impetus to the textile workers in many other centers in their efforts for improved working conditions and higher wages. In Fall River and in New Bedford, Mass., a 10 per cent increase in wages was secured without a strike, thereby benefiting many thousands of operatives. A strike in Lowell, Mass., was won after a 5-weeks' struggle. The dyers of Philadelphia struck to establish a minimum wage of 25 cents per hour, and succeeded in obtaining this demand in over 40 shops. The silk workers and the thread workers in Connecticut struck for a 10 per cent increase in wages. The thread workers succeeded in four days; but the silk workers had to continue their struggle for 13 weeks, when a compromise was effected and a 7½ per cent increase was granted to all the operatives, several thousand benefiting. In New York State a law was passed reducing the hours of labor of textile workers from 60 to 54 per week. This has gone into effect without any reduction in pay. Death benefits, \$1,100. Cost of strike, \$16,000.

Tile layers.—New unions formed, 11; gain in membership, 216; an increase in wages averaging 40 cents per day for tile layers, and 25 cents per day for helpers, secured because of strike. Several increases in pay secured in other localities without strikes. The average wage for tile layers is now \$4.50 per day, and for helpers \$2.50 per day. The eight-hour day prevails generally throughout the United States and Canada among the tile layers. Previous to organization the 10-hour day was in effect, and the maximum pay averaged about 2.50 per day for the tile layers, and \$1.50 for the tile helpers.

Tin-plate workers.—All efforts to reduce the wages were successfully resisted. A 3 per cent increase in wages was secured in several localities without a strike.

Tobacco workers.—A slight reduction in hours, and a small increase in wages were secured in some localities without a strike. Death benefits, \$1,400; sick benefits, \$5,200; donations to other unions, \$300.

Travelers' goods and leather novelty workers.—Gain in membership, 175; wages increased, 10 per cent, and hours reduced from 10 and 9½ to 9 hours per day for 420 persons; a reduction in hours and a slight increase in wages were secured in several localities without a strike. Death benefits, \$125; sick benefits, \$300; donations to other unions, \$60; cost of strikes, \$1,700. Continuous

effort by this organization has resulted in increasing the wages from \$13.50 to \$15 per week. In several localities this rate is somewhat higher.

Tunnel and subway constructors.—Gain in membership, 140; wages increased, 25 cents per day; and hours reduced from 10 to 8 per day on several construction jobs because of a strike; death benefits, \$1,800; sick benefits, \$400; traveling benefits, \$1,200; donations to other unions, \$300.

Typographical union.—The year ending May 31, 1912, shows a gain in membership of 3,519; 101 new agreements secured, by which substantial increases in wages were obtained, and, in addition, 21 other offices were unionized. Death benefits, \$75,000; old-age pensions, \$177,000; donations to other unions, \$16,000; cost of strikes, \$70,000. Average paying membership for 1912, 53,807; total wages earned by members for 1912, \$53,378,902; average earnings per member for 1912, \$992. The average age of compositors at death has risen from 41 years in 1900 to 48 years in 1912, this is due largely to the establishment of the eight-hour day in this trade, and to the improved conditions under which the compositors work, which is due to the efforts of the organization. The Typographical Union maintains an old-age pension fund, from which a sum of \$5 per week is paid to the members who are unable to follow the trade after 60 years of age and who have been members of the union for 20 years, or who are 70 years of age and have been members for 10 years, or those who are afflicted with a disease which debars a member from the Union Printers' Home, at Colorado Springs, Colo. This home is owned by the International Typographical Union, and this home had 135 inmate residents during 1912. The total number admitted to this home since July, 1892, when it was opened, to May 31, 1912, was 1,312. The cost of maintenance of the home for the year 1912 was \$82,212. The average cost for the total maintenance per member per month equalled \$50.74; the average cost of food per resident member per month for the year ending May 31, 1912, was \$31.96. The greatest advantage that has come to the membership of the typographical union is in the conservation of health, brought about by sanitary working conditions in printing offices which was made obligatory upon the employers. The International Typographical Union now has full control of the expert teachers of the Inland Printer's Technical Printing School. Under union influences, during the last few years, this school has graduated nearly 3,000 competent machine operators. The efficiency of the instructions given in this school has won many encomiums from trade educators.

This report does not include the legislative or administrative gains secured in municipalities—gains which in their respective localities affect the working people directly and have an important bearing. It is impossible to include herein these gains, for it would require too large an investigation, covering the municipalities, both large and small, throughout the United States, Canada, Cuba, and Porto Rico.

Nor does this report include the economic gains of several railroad brotherhoods and the bricklayers, which are unaffiliated, to the American Federation of Labor. Their gains have been substantial in both organization, hours of labor, wages, and improved conditions. This applies also to local unions directly affiliated to the American Federation of Labor, which have no other national affiliations.

It is a source of great gratification to be able to report the general progress made in the labor movement of America in every line of its activity, and yet these advances will prove but the stimulus for more persistent efforts for the greater uplift and advancement of all.

In the name of the workers of America I extend fraternal greetings of fellowship to the toilers of the civilized world.

Fraternally, yours,

SAMUEL GOMPERS,

President American Federation of Labor.

WASHINGTON, D. C. October 8, 1913.

Mr. HILLQUIT. Now, Mr. Gompers, to take up another subject, is it your conception, Mr. Gompers, or that of the Federation, that workers in the United States to-day receive the full product of their labor?

Mr. GOMPERS I think, but I am not quite so sure, that I know what you have in mind.

Mr. HILLQUIT. Do you understand my question?

Mr. GOMPERS. I think I do, but in the generally accepted sense of that term, no.

Mr. HILLQUIT. In any particular sense, yes?

Mr. GOMPERS. No.

Mr. HILLQUIT. Then the workers of this country do not receive the whole product of their labor? Can you hazard a guess as to what proportion of the product they do receive in the shape of wages?

Mr. GOMPERS. I am not a good guesser, and I doubt that there is any value in a guess.

Mr. HILLQUIT. You have no general idea, have you, on the subject?

Mr. GOMPERS. I have a most general idea, but I am not called upon to guess.

Mr. HILLQUIT. No; will you please give us your most general idea?

Mr. GOMPERS. As to what proportion?

Mr. HILLQUIT. As to approximately what proportion the workers, as a whole, get from their product?

Mr. GOMPERS. I will say that it is impossible for anyone to definitely say what proportion the workers receive as the result of their labor; but it is the fact that due to the organized-labor movement they have received and are receiving a larger share of the product of their labor than they ever did in the history of modern society.

Mr. HILLQUIT. Then one of the functions of organized labor is to increase the share of the workers in the product of their labor, is that correct?

Mr. GOMPERS. Yes, sir; organized labor makes constantly increasing demand upon society for reward for the services which the workers give to society, and without which the civilized life would be impossible.

Mr. HILLQUIT. And these demands for an increasing share of the reward of the product of labor continue by a gradual process all the time?

Mr. GOMPERS. I am not so sure as to gradual process. Sometimes it is not a gradual process, but it is all the time.

Mr. HILLQUIT. All the time?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. Then, Mr. Gompers, you assume that the organized-labor movement has generally succeeded in forcing a certain increase of that portion of the workers in the share of the general product, do you?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. And it demands more now?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. And if it should get, say, 5 per cent more within the next year, will the organized-labor movement rest contented with that and stop?

Mr. GOMPERS. Not if I know anything about human nature.

Mr. HILLQUIT. Will the organized labor movement, or the labor movement of the country generally, stop in its demands for an ever greater share in the product at any time before it has received or does receive the full product, and before in its eyes complete social justice shall have been done?

Mr. GOMPERS. That question again that you have bobbed up with quite serenely in regard to the share of the product of labor, say that the working people—and I prefer to say working people and speak of them as real human beings—the working people, as all other people, they are prompted by the same desires and hopes of a better life, and they are not willing to wait until after they have shuffled off this mortal coil for the better life, they want it here and now, and they want to make conditions better for their children so that they may meet the other, the newer problems in their time. The working people are pressing forward, pressing forward, making their claims and presenting those claims with whatever power they have, to exercise it in a normal, rational manner, to secure a larger, and constantly larger share of the products. They are working to the highest and best ideals of social justice.

Mr. HILLQUIT. Now, the highest and best ideals of social justice, as applied to the distribution of wealth, wouldn't that be a system under which the workers, manual, mental, directive, executive and all other lines together get the sum total of all the products we supply them?

Mr. GOMPERS. Really, a fish is caught by the tempting bait; a mouse or a rat is caught in a trap by the tempting bait; the intelligent, comprehensive, common-sense workmen prefer to deal with the problems of to-day, the problem which confronts them to-day, with which they are bound to contend if they want to advance, rather than to deal with a picture and a dream which has never had, and I am sure never will have, any reality in the affairs of humanity, and which threaten, if it could be introduced, the worst system of circumscriptional effort and activity that has ever been invented by the ken of the human kind.

Mr. HILLQUIT. That is what I want to get from you, Mr. Gompers, but I would like to get an answer. In your experience with the labor movement and in its ever forward march toward greater and greater improvement, and a greater and greater share of social justice, can you point out any line where the labor movement will stop and rest contented so long as it may receive short of the full product of its work?

Mr. GOMPERS. I say that the workers, as human beings, will never stop in any effort, nor stop at any point in the effort to secure greater improvements in their condition, a better life in all its phases. And wherever that may lead, whatever that may be, so far in my time and my age I decline to permit my mind or my activities to be labeled by any particularism.

Mr. HILLQUIT. Do not try to attach any ism to me, please; but the question I ask is whether you maintain—whether the American Federation of Labor, and its authorized spokesmen have a general social philosophy, or work blindly from day to day?

Mr. GOMPERS. I think your question—

Mr. HILLQUIT (interrupting). Inconvenient.

Mr. GOMPERS. No. I will tell you what it is, it is a question prompted to you, and is an insult.

Mr. HILLQUIT. It is not a question prompted to me.

Mr. GOMPERS. It is an insult.

Mr. HILLQUIT. Why? Why, Mr. Gompers?

Mr. GOMPERS. To insinuate that the men and women in the American Federation of Labor movement are acting blindly from day to day.

Mr. HILLQUIT. I have not insinuated—

Mr. GOMPERS (interrupting). Your question implies it.

Mr. HILLQUIT. I am giving you an opportunity to deny.

Mr. GOMPERS. If a man should ask me whether I still beat my wife, any answer I could make would incriminate me if I answered yes or no. If I answered that I did not, the intimation would be that I had stopped. If I answered that I did, that I was continuing to beat her.

Mr. HILLQUIT. But Mr. Gompers, this question bears no analogy to that story—

Mr. GOMPERS (interrupting). Your question is an insult and a studied one.

Mr. HILLQUIT. Now, will you state whether you will or whether you will not answer my question?

Mr. GOMPERS. Will you repeat the question?

Mr. HILLQUIT. My question was whether the American Federation of Labor as represented by its spokesmen has a general social philosophy, or whether the organization is working blindly from day to day? Now, that is a plain question.

Mr. GOMPERS. Yes; it is a plain question; it is a plain insult.

Chairman WALSH. Do you refuse to answer it on the ground that it is insulting?

Mr. GOMPERS. Yes, sir.

Chairman WALSH. That is all, then.

Mr. HILLQUIT. Then, inform me upon this matter: In your political work of the labor movement is the American Federation of Labor guided by a general social philosophy, or is it not?

Mr. GOMPERS. It is guided by the history of the past, drawing its lessons from history, to know of the conditions by which the working people are surrounded and confronted; to work along the lines of least resistance; to accomplish the best results in improving the condition of the working people, men and women and children, to-day and to-morrow and to-morrow—and to-morrow's to-morrow; and each day making it a better day than the one that had gone before. That is the guiding principle and philosophy and aim of the labor movement—in order to secure a better life for all.

Mr. HILLQUIT. But in these efforts to improve conditions from day to day you must have an underlying standard of what is better, don't you?

Mr. GOMPERS. No. You start out with a given program, and everything must conform to it; and if the facts do not conform to your theories, why, your declarations, or, rather, your actions, betray the state of mind "so much the worse for the facts."

Mr. HILLQUIT. Mr. Gompers, what I ask you is this: You say you try to make the conditions of the workers better every day. In order to determine whether the conditions are better or worse you must have some standards by which you distinguish the bad from the good in the labor movement, do you not?

Mr. GOMPERS. Certainly. Well, is that—

Mr. HILLQUIT (interrupting). Now, just—

Mr. GOMPERS (interrupting). Well, one moment. Does it require much discernment to know that a wage of \$3 a day and a workday of 8 hours a day in sanitary workshops are all better than \$2.50 a day and 12 hours a day and under perilous conditions of labor? It does not require much conception of a social philosophy to understand that.

Mr. HILLQUIT. Then, Mr. Gompers, by the same parity of reasoning, \$4 a day and seven hours a day of work and very attractive working conditions are still better?

Mr. GOMPERS. Unquestionably.

Mr. HILLQUIT. Therefore—

Mr. GOMPERS (interrupting). Just a moment. I have not stipulated \$4 a day or \$8 a day or any number of dollars a day or eight hours a day or seven hours a day or any number of hours a day, but the best possible conditions obtainable for the workers is the aim.

Mr. HILLQUIT. Yes; and when these conditions are obtained—

Mr. GOMPERS (interrupting). Why, then, we want better.

Mr. HILLQUIT (continuing). You will still strive for better?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. Now, my question is, Will this effort on the part of organized labor ever stop until it has the full reward for its labor?

Mr. GOMPERS. It won't stop at all.

Mr. HILLQUIT. That is a question—

Mr. GOMPERS (interrupting). Not when any particular point is reached, whether it be that toward which you have just declared or anything else. The working people will never stop—

Mr. HILLQUIT. Exactly.

Mr. GOMPERS (continuing). In their effort to obtain a better life for themselves and for their wives and for their children and for humanity.

Mr. HILLQUIT. Then, the object of the labor union is to obtain complete social justice for themselves and for their wives and for their children?

Mr. GOMPERS. It is the effort to obtain a better life every day.

Mr. HILLQUIT. Every day and always—

Mr. GOMPERS. Every day. That does not limit it.

Mr. HILLQUIT. Until such time—

Mr. GOMPERS. Not until any time.

Mr. HILLQUIT. In other words—

Mr. GOMPERS (interrupting). In other words, we go further than you. [Laughter and applause in the audience.] You have an end; we have not.

Mr. HILLQUIT. Then, Mr. Gompers, you want to go on record as saying that the American Federation of Labor, in its endeavors and striving goes farther than the Socialist Party—

Mr. GOMPERS (interrupting). When you say you have a goal—

Mr. HILLQUIT (interrupting). I have not finished the question.

Chairman WALSH. Finish your question, Mr. Hillquit.

Mr. HILLQUIT. If the Socialist Party has for its present purpose the abolition of the present system of profits and wages, and seeks to secure to the workers the full measure of the product of their labor, if they—their purposes eventually seek to obtain that by gradual steps—then I understand you to say that the American Federation of Labor goes beyond it.

Mr. GOMPERS. I have said this, and I say that no categorical answer, yes or no, can be given to that question. I say this, that the fact that what I said to you yesterday, after the close of your statement is—as a clever sophist you take the cake; but it is cleverness and sophistry.

Mr. HILLQUIT. That is becoming almost personal, Mr. Gompers.

Chairman WALSH. Yes; I think so.

Mr. GOMPERS. As just indicated, the abolition of private profits and wages—there are quite a number of employers who quite agree with you, who would reduce wages and take wages away entirely. The question of the cooperative Commonwealth and the ownership of the means of production and distribution is implied by it. Now, let me say—

Mr. HILLQUIT (interrupting). It is not, Mr. Gompers.

Mr. GOMPERS. Well, all right.

Mr. HILLQUIT. I am not proposing any system. I want your aims and the fruits of your aims.

Mr. GOMPERS. By your question, you want to place me in the position of saying that I am for the system of society which some of you dreamers have conceived of, and then say that I go beyond it.

Mr. HILLQUIT. I do not, Mr. Gompers, you interrupted me—

Mr. GOMPERS (interrupting). Well you interrupted me, so we are even. And I say that the movement of the working people, whether under the American Federation, or not, will be simply following the human impulse for improvement in their condition, and wherever that may lead, they will go, without having a goal up to yours or surpassing yours, but it will lead them constantly to the material and physical and social and moral well-being of the people.

Mr. HILLQUIT. Then, Mr. Gompers, you would not say that the difference between the program of the American Federation of Labor, and that of the Socialist Party is a quantitative one—that the Socialist Party wants more than the American Federation of Labor. You would not say that, would you?

Mr. GOMPERS. I don't know that it is necessary that the comparison—that I should answer as to the comparison. It is not interesting at all, nor is it a contribution to the subject which the commission desires to ascertain.

Mr. HILLQUIT. You decline to answer that point?

Mr. GOMPERS. The question is not germane to the subject under inquiry, and is not necessary.

Chairman WALSH. I would like to hear it answered if possible, Mr. Gompers. If it is not possible for any reason, very well.

Mr. GOMPERS. May I hear the question read?

(Question read.)

Mr. GOMPERS. The Socialist Party proposition—socialism is a proposition to place the working people of the country and of the world in a physical material strait-jacket.

Mr. HILLQUIT. Pardon me, Mr. Gompers, I have not asked your opinion about what you consider to be the tendencies of the cooperative commonwealth. I am speaking merely about the aim to abolish the wage system and the program to secure to the workers the full product of their labor; and I am asking you, in this respect, whether we demand more than the American Federation has ultimately in view.

Mr. GOMPERS. I think you demand something to which the American labor movement declines to give its adherence.

Mr. HILLQUIT. Then do I understand you to say that the American labor movement would countenance the abolition of the wage system and the return of the full reward of labor to the workers?

Mr. GOMPERS. Your question is an assumption and is unwarranted, for as a matter of fact we decline to commit our labor movement to your species of speculative philosophy.

Mr. HILLQUIT. I have not introduced speculative philosophy, Mr. Gompers. If I can not make myself clear, please tell me so.

Chairman WALSH. May I be permitted here to ask the stenographer to read that last question?

Mr. HILLQUIT. Certainly, Mr. Chairman.

(The question read, as follows:) "I am speaking merely about the aim to abolish the wage system, and about the program to secure to the workers the full product of their labor, and I am asking in this respect whether we demand more than the American Federation of Labor has ultimately in view?"

Chairman WALSH. That is with reference to getting the full product of labor alone?

Mr. HILLQUIT. Yes.

Chairman WALSH. Now, can you answer that directly, Mr. Gompers?

Mr. GOMPERS. No; that is impossible to answer yes or no.

Chairman WALSH. Then let it stand there, because that implies that it is impossible to answer it.

Mr. HILLQUIT. Now, Mr. Chairman, I have two more lines of questioning that I can dispose of in 15 or 20 minutes—

Chairman WALSH. Just go right ahead, Mr. Hillquit; I don't mean by this to limit your inquiry, for I know that you will be economical of our time. You may proceed with any other questions that you wish to ask.

Mr. HILLQUIT. Mr. Gompers, when you stated first that the actual workmen of to-day do not get the full reward for their labor or the full product of their toil, will you tell me who gets the other part which is withheld from the workers?

Mr. GOMPERS. Investment, superintendence, the agencies for the creation of wants among the people, and many others.

Mr. HILLQUIT. Well, then, according to your statement those are legitimate factors in industry entitled to reward?

Mr. GOMPERS. Many of them, yes; many of them are being eliminated.

Mr. HILLQUIT. Which ones are entitled and which ones are not entitled to reward?

Mr. GOMPERS. Superintendency, the creation of wants, administration, return for investment—

Mr. HILLQUIT. Return for investment? Does that include every kind of capital invested in industry regardless of origin?

Mr. GOMPERS. No, sir.

Mr. HILLQUIT. Then what do you mean by return for investment?

Mr. GOMPERS. For honest investment. I don't mean watered stocks or inflated holdings, but honest investment.

Mr. HILLQUIT. Now, honest stock investment?

Mr. GOMPERS. Honest investment. I did not say "stock investment."

Mr. HILLQUIT. Well, I am talking about stock investment, Mr. Gompers. Do you consider dividends paid by corporations as separate and apart from salaries paid for superintendence and inflation, and so on—do you consider that a legitimate return from the products of general labor?

Mr. GOMPERS. That depends entirely as to the character of the services performed.

Mr. HILLQUIT. Now, I assume that no service was performed as far as services being performed are concerned—we have classified those under the head of superintendence, management, inflation, and so on. Now, I am referring to the dividend on stock, which is paid to stockholders by virtue of stock ownership and regardless of any activity on the part of the stockholder.

Mr. GOMPERS. I am speaking of the honest investment, too, which you did not include.

Mr. HILLQUIT. Will you please answer that question with such qualifications as you may deem proper to make?

Mr. GOMPERS. Well, I have already answered that question.

Mr. HILLQUIT. What is your answer?

Mr. GOMPERS. I am sorry that I have not made myself clear.

Mr. HILLQUIT. I have not asked you the question before, so you could not have answered it.

Mr. GOMPERS. I should like to have the stenographer read what I have said.

Chairman WALSH. Just read back there a few questions, Mr. Reporter.

Mr. HILLQUIT. Well, then, according to your statement, those are legitimate factors in industry entitled to reward?

Mr. GOMPERS. Many of them; yes; many of them are being eliminated.

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Mr. GOMPERS. I am speaking of the honest investment, too, which you did not include."

Mr. HILLQUIT. Then my next question was: I am referring to dividends not paid at all for services performed, but as an incident to stock ownership, and regardless of the personal services, activity, or inactivity of the owner of the stock.

Mr. GOMPERS. I have already replied, and I now repeat, upon honest investment, yes.

Mr. HILLQUIT. Mr. Gompers, assume that I purchased to-day in the open market and paid the full price for, say, 100 shares of Steel Corporation stock. The next quarter year I get my dividends on it. Am I entitled to such dividends?

Mr. GOMPERS. Mr. Chairman, I suggest that if Mr. Hillquit is going to permit this investigation to degenerate into a question of high finance, why, we had better get a high financier here.

Chairman WALSH. I think that is a proper question and germane to this inquiry, but if you can not answer it you may say so.

Mr. GOMPERS. I wish, respectfully, Mr. Chairman, to differ from that remark of the Chair—

Chairman WALSH. Then you don't care to answer?

Mr. GOMPERS. I decline to answer it on the ground that it is not material to the question and purely a question of a financial character. It is not a question upon which proper interrogation can be made.

Mr. HILLQUIT. Now, Mr. Gompers, let me explain to you the reason why—

Chairman WALSH. I have ruled that it was, but we are not going to compel Mr. Gompers to reply to it.

Mr. HILLQUIT. No; of course not.

Chairman WALSH. Go ahead.

Mr. HILLQUIT. Will you please define what you call honest investment as distinguished—

Mr. GOMPERS (interrupting). An honest man finds no difficulty in determining what is honest.

Mr. HILLQUIT. Now, Mr. Gompers, that is really not an answer. You have made that statement, and I presume you mean something by it; I should like to know what you mean?

Mr. GOMPERS. I mean honest, actual physical investment.

Mr. HILLQUIT. Now, I am asking you, does the purchase of stock with real physical money, at the full price constitute such an honest investment?

Mr. GOMPERS. First, let me say, in answer to that question, that with the manipulations of stocks and of the stock market, and that entire thing, I am out of harmony and am opposed to it, and have done and will do whatever I can to eliminate that speculation involved in stocks—in the fundamentals of stock jobbery and stock sales.

Mr. HILLQUIT. Mr. Gompers, you are familiar with industrial conditions as few men in this country. You know perfectly well that the most important industries in the United States are managed and operated by corporations; and you know that the income from such industry is distributed very largely in the form of dividends on stocks and interest on bonds, don't you?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. Now I am asking you this question as the president of the American Federation of Labor: Do you consider that vast sum of money paid annually by industry in the shape of such dividends on stock and interest on bonds in the various industries a legitimate and proper division of the product of labor, or do you not?

Mr. GOMPERS. I do not.

Mr. HILLQUIT. That is an answer. Then, the owners or stockholders or bondholders of modern corporations would thus receive a workless income as the product of the labor of the workers who have produced it. Is that your opinion?

Mr. GOMPERS. Unquestionably.

Mr. HILLQUIT. And the efforts of the American labor movement to secure a larger share are directed against that class who gets an improper share.

Mr. GOMPERS. Against all who—

Mr. HILLQUIT (interrupting). Exactly—against all who obtain a workless income which comes from the product of labor. Is that correct?

Mr. GOMPERS. Well, all who illegitimately stand between the workers and the attainment of a better life.

Mr. HILLQUIT. Which means, or does it not mean, all those who obtain or derive an income without work by virtue of control of the industry, and get it from the product of labor.

Mr. GOMPERS. No.

Mr. HILLQUIT. It does not?

Mr. GOMPERS. No.

Mr. HILLQUIT. What is your exception?

Mr. GOMPERS. It means, as I have before called attention to, honest investment—honest enterprise.

Mr. HILLQUIT. But you desire now to modify the answer you have made just a little while ago to the effect that you consider all payments in dividends and interest on stock and bonds of a corporation as the illegitimate part of the division of products?

Chairman WALSH. I think that is a question that he can not properly answer—unless you want to answer it, Mr. Gompers. It seems to me you are getting into a field—

Mr. GOMPERS (interrupting). That is it, Mr. Chairman—I think the gentleman is getting into a field of inquiry—

Mr. HILLQUIT (interrupting). I will tell you why it is very much at home. Mr. Gompers, what I mean, is:

Chairman WALSH. The only thing I suggested this for, you are asking him for his meaning of his other answers with reference to those questions, and that is calling for his conclusions, and it may be very difficult for us to agree upon those, and it will merely call upon him for argument, and not afford the commission any assistance.

Mr. HILLQUIT. Have the efforts of the workers in the American Federation of Labor and as otherwise organized, to obtain a larger share of the product, have they met with favorable consideration by those who obtain what we may call the unearned part of the product?

Mr. GOMPERS. If you mean the employers—

Mr. HILLQUIT (interrupting). Employers, capitalists, stockholders, bondholders—the capitalist class generally.

Mr. GOMPERS. As a matter of fact, there has been very much opposition to the efforts of the working people to secure improved conditions.

Mr. HILLQUIT. Exactly. And that opposition is based upon the desire of the beneficiaries of the present system of distribution to retain as much as possible of their present share or to increase it, is it not?

Mr. GOMPERS. I suppose it is not difficult to determine that that is one of the reasons; but one additional reason is that there are employers who live in the twentieth century and have the mentality of the sixteenth century in regard to their attitude toward working people and they still imagine that they are the masters of all that serve; and that any attempt on the part of the working people to secure improvement in their condition is a species of rebellion—a rebellious spirit which must be bound down. But we find this, Mr. Hillquit, that after we have had some contest of such a character with employers—and whether we have won the battle or lost it—if we but maintain our organization, there is less difficulty thereafter in reaching a joint agreement or a collective bargain involving improved conditions of the working people.

Mr. HILLQUIT. That is, if you retain your organization?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. And the stronger the organization the more likelihood of securing such concessions, is that correct?

Mr. GOMPERS. Unquestionably.

Mr. HILLQUIT. Then it is not on account of the changed sentiment of the employer that he is ready to yield, but on account of greater strength shown by the employees, is that correct?

Mr. GOMPERS. Not entirely.

Mr. HILLQUIT. No; why not?

Mr. GOMPERS. Not entirely; for, as a matter of fact, the employer changes his sentiment when he is convinced that the workmen have demonstrated that they have the right to have a voice in determining the questions affecting the relations between themselves and their employers; as evidenced, if you please, by the late Mr. Baer, whom, you may recall, once declared that he would not speak with nor confer with the representative of the miners or anyone who stood for them; that he and his associates were the trustees of God in the administration of this property, and to take care of the rights and interests of the working people. Well, he lived to revise his judgment, as many other employers do revise their judgments, and have come to agreements with workmen.

Mr. HILLQUIT. Now, *Mr. Gompers, the employers as a class, being interested in retaining their share of the products, general product, or increasing it, and the workers, as you say, being determined to demand an ever greater and greater share of it, would you say that the economic interests between those two are harmonious or not?*

Mr. GOMPERS. If you had omitted the two words "or not" the question would have meant just the same.

Mr. HILLQUIT. Well, they are there, and it does not cause me any effort to leave them there, so answer the question.

Mr. GOMPERS. I say they are not, and I may say this and take this opportunity, I am under affirmation before this commission, and I may take this opportunity of saying that no man of my knowledge, within the range of my acquaintance, has ever been so thoroughly misrepresented upon that question as is implied in your question than I have.

Mr. HILLQUIT. State your actual position.

Chairman WALSH. At this point the commission will adjourn until 2 o'clock sharp. I will say for the information of those present that we will be compelled to meet in the reception room of the mayor's office on the first floor of this building at 2 o'clock sharp.

AFTER RECESS—2 O'CLOCK P. M.

Chairman WALSH. The commission will now come to order, please. You may proceed, **Mr. Hillquit.**

TESTIMONY OF MR. SAMUEL GOMPERS—Continued.

Mr. GOMPERS. **Mr. Chairman,** I desire to finish the answer which I was about to make to the question upon the recess being taken.

The question propounded essentially was whether I believed that the relations between the employers and employees are harmonious, or can be harmonized.

Mr. HILLQUIT. Economically harmonious.

Mr. GOMPERS. I answered no, and I stated that I have been misrepresented by Socialists, writers, and orators upon that subject so many times that they themselves finally believed it, and no amount of emphatic repudiation of that statement, no matter how often that repudiation and denial was expressed by me, it made no change in the assertion that my position was contrary to the one I have stated here.

Mr. HILLQUIT. Then you want to go on record now, **Mr. Gompers,** as stating that, in your opinion, the economic interests of the employing classes and those of the workers are not harmonious?

Mr. GOMPERS. I have no desire to particularly go on record here upon that subject. That record has been made from my earliest understanding of the conditions which prevail in the industrial world.

Mr. HILLQUIT. And that is your answer now?

Mr. GOMPERS. That has been my position ever since, and has not been changed in the slightest. There are times when there are, for temporary purposes, reconcilable conditions, but they are temporary only. When a fair and reasonable opportunity presents itself for continued improvement in the condition of the workers, that movement must necessarily go on, and will go on.

Mr. HILLQUIT. And that movement, **Mr. Gompers,** must be a movement of the workers as workers; is that correct?

Mr. GOMPERS. Yes, sir; undominated by the so-called intellectuals or butters-in.

Mr. HILLQUIT. In other words, the movement for the working class improvement must be conducted by the workers as such in order to be effective?

Mr. GOMPERS. To be the most effective.

Mr. HILLQUIT. To be most effective.

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. And it must be necessarily conducted against the employing classes?

Mr. GOMPERS. It is conducted for the working people.

Mr. HILLQUIT. And is it or is it not conducted against the interests of the employing people?

Mr. GOMPERS. It is conducted for the interests of the employing people.

Mr. HILLQUIT. Now, Mr. Gompers, you have stated before that the interests of the working people are not harmonious with those of the interests of the employing classes. You have also stated that, in order to secure lasting and valuable improvements, the workers as such must conduct their own battles. Are not such battles conducted against somebody?

Mr. GOMPERS. They are primarily conducted for somebody.

Mr. HILLQUIT. For somebody?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. But can a battle be conducted for somebody which is not also conducted against somebody?

Mr. GOMPERS. As those who stand in the way, hostile to advance of the conditions of the working people, it is in so far conducted against them, whoever they may be.

Mr. HILLQUIT. Who are they, as a matter of fact, actually, in your opinion?

Mr. GOMPERS. Those employers who refuse to understand modern industrial conditions and constant needs for advancement of the working people.

Mr. HILLQUIT. In other words, those employers who refuse to accede to the demands of organized labor. Is that correct?

Mr. GOMPERS. Sometimes it is not organized labor, for there are frequent demands made by workmen and working women who are unorganized and then become organized after they have made their demands.

Mr. HILLQUIT. Very well. Then, whenever they are organized, the class of people against whom labor struggles are the class of employers who refuse to accede to the demands. Is that correct?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. Is that class of employers limited to only such of those who have a narrow social vision, or does it extend pretty largely to the entire employing class, in your experience?

Mr. GOMPERS. It is growing less and less so. As a matter of fact, there are more employers to-day who live under collective bargains with their organized working people than at any time in the history of the industrial world.

Mr. HILLQUIT. And as to those employers who have agreements for collective bargaining with employees, do they, as a rule and within your experience, volunteer improvements to their employees, or are such improvements forced from them either by method of collective bargaining or by surprise or other weapons of the labor movement?

Mr. GOMPERS. I don't know what you have in mind when you mention other weapons.

Mr. HILLQUIT. Oh, boycotts, for instance.

Mr. GOMPERS. That is a weapon?

Mr. HILLQUIT. Yes.

Mr. GOMPERS. And not weapons?

Mr. HILLQUIT. Strikes, I said.

Mr. GOMPERS. No. You said surprise and other weapons, so you could not have included strikes.

Mr. HILLQUIT. Well, make it strikes and weapons.

Mr. GOMPERS. That is usually in the initiative stages of the altered relations between workers and employers. Later there is a realization that it is more costly to engage in strikes or lockouts—I mean a realization on the part of the employers that it is more costly to enter into prolonged strikes or lockouts—and that they are willing to concede conditions rather than to have the industry interrupted. These grow in extent and alter the vision of the employer in his attitude toward the workmen and the relations which govern the employer toward the worker. So that their sentiment and views are often in entire accord with the organization of the working people.

Mr. HILLQUIT. Now, taking the relations of the employer and employees as a whole, would you say that the gains made by the organized labor movement in this country has been in any large extent the result of a free gift and voluntary concession on the part of the employing classes, or would you say they have been wrung from the employing classes by organized labor?

Mr. GOMPERS. There is no question as to the fact of the latter alternative implied by your question. What the working men of America have obtained in improved conditions, higher wages, shorter hours of labor, were not handed to them on a silver platter. They had to organize; they had to show their teeth; they had to strike; and they had to go hungry and make sacrifices in order to impress upon the employers their determination to be larger sharers in the production of wealth.

Mr. HILLQUIT. Then, as a whole, the achievements of the American labor movements have been accomplished in organized struggle of the workers against their employers. Is that correct?

Mr. GOMPERS. As a rule, but—

Mr. HILLQUIT. There are exceptions?

Mr. GOMPERS. There are exceptions. For instance, you might say there have been a number of workmen who were unorganized, or nearly unorganized. The instance comes to me just now of the miners—the coal miners. In their first strike of 1897 there was not 3 per cent organized. And yet upon the initiative of the union, upon the recommendation of the officers of the American Federation of Labor, a movement was inaugurated to present a scale to the mine operators in the bituminous fields, and unless that proposed increase in wages and other conditions were granted upon a certain day there would come a call urging the miners to lay down their tools. The employers, realizing the unorganized condition of the miners, never for a moment imagined that the small union would have any influence upon their so-called "independent workers"—really the workmen over whom they had exercised domination for a long time. Now, as a matter of fact, the miners responded, and, though they were unorganized, there was a group patriotism to which I referred in the early part of my testimony—a group patriotism, a camaraderie, an understanding of their common interests—and they received the assistance of their fellow workmen in other industries, the full assistance of the American Federation of Labor, until, finally, it was the initial step of the regeneration of the miners until they won, and they established the eight-hour day, the right to make their purchases of their necessities wherever they chose; the right to be at least like any other ordinary citizens and men; and the spirit and influence spread until it reached the anthracite coal field—until it reached the entire competitive fields in the bituminous coal fields in other States, and so on.

Mr. HILLQUIT. Yes, but, Mr. Gompers—

Mr. GOMPERS (interrupting). Pardon me a moment. If I recall rightly, you spoke for about an hour and a half to one question I asked yesterday.

Mr. HILLQUIT. You recall wrongly. It seemed to you long?

Chairman WALSH. Let us not try to enter into competition on that, please, because I fear I will have to try to limit this in some way.

Mr. GOMPERS. I will try not to occupy more than three minutes in my answer, to say they were unorganized men. The same is true in the garment trades, in the needle trades, and in several others.

Mr. HILLQUIT. Yes, sir. Mr. Gompers, in all those instances the workers organized during the fight?

Mr. GOMPERS. After the fight.

Mr. HILLQUIT. After the fight?

Mr. GOMPERS. After the fight was on.

Mr. HILLQUIT. But it was collective action on their part, anyhow?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. Simultaneous and collective?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. And there is no exception to the rule that in order to obtain lasting improvements the workers must collectively struggle for it, as workers?

Mr. GOMPERS. As workers; yes, sir.

Mr. HILLQUIT. And in such struggles the workers can not possibly be aided by the employing classes, can they?

Mr. GOMPERS. That is not entirely so, because it frequently occurs that the competitive interests of the employers may impel some of them to aid the workmen in the establishment of what has become known as standardized conditions in the trade—a minimum of standardization.

Mr. HILLQUIT. Just an incident in the struggles of the workers, and of which the workers take advantage when such occasions arise?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. But, on the whole, the American Federation of Labor recognizes that the struggle for improvement of the conditions of the workers is a struggle of the workers, and, probably, organized workers, is it not?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. You don't tolerate within your unions employers as members? Mr. GOMPERS. We do not; that is, our affiliated unions do not. But the American Federation of Labor, with its directly affiliated locals by charter—those locals which have no national of their own—we don't permit employers to become members.

Mr. HILLQUIT. Can you conceive of any scheme by which the interests of the employers and those of the employees could be harmonious and could lead to the same beneficent results as the independent struggles of the workers?

Mr. GOMPERS. Will you please read the question?

(The question was read, as follows:;) "Can you conceive of any scheme by which the interests of the employer and those of the employees could be harmonious and could lead to the same beneficent results as the independent struggles of the workers?"

Mr. GOMPERS. I know of no means by which the interests of the employers and the workmen can be harmonious in the full broad sense of that term.

Mr. HILLQUIT. And do you concede that the labor leader or labor representative is most useful to his organization and to his movement who devotes his time and his thought, single minded, to the interests of the labor organizations.

Mr. GOMPERS. And to the working people.

Mr. HILLQUIT. To the working people?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. And do you consider a labor leader who combines with a number of prominent employers in an alleged effort to improve the condition of the workers to be doing useful work for the labor movement?

Mr. GOMPERS. I concede this that it is the duty of such men you designate as labor leaders to carry the word, to preach the doctrine, to carry the message and the gospel of labor, of justice to labor, to any place on earth, and to any people on earth; to defend that doctrine; to promote a better understanding among any and all; it is the duty of every leader to make his cause best known wherever the opportunity may afford.

Mr. HILLQUIT. For the benefit and advantage of the working class, is it not?

Mr. GOMPERS. Absolutely and alone.

Mr. HILLQUIT. And is it not likewise in the interests of the large employers of labor to carry the gospel of their interests wherever they can, and particularly into the camp of labor.

Mr. GOMPERS. Whether it is their interests I am not prepared to say, but I judge from my own experience that that is not the truth, and it is not the fact.

Mr. HILLQUIT. Mr. Gompers, do you know of the existence of the National Manufacturers' Association?

Mr. GOMPERS. I do.

Mr. HILLQUIT. Do you think that the National Manufacturers' Association has no interest in carrying the antilabor gospel and, if you want, the employers gospel, to all four quarters of the earth?

Mr. GOMPERS. While I know that the National Association of Manufacturers is absolutely hostile to the labor movement and unions and everything it represents, but that is not such an association in which a labor leader is either accepted or tolerated. He therefore can not bring the doctrine and the message of labor there.

Mr. HILLQUIT. Yes; but the National Association of Manufacturers is an association of employers.

Mr. GOMPERS. Yes, it is. But, Mr. Hillquit, don't let us lose unnecessary time, because you haven't got that association in mind.

Mr. HILLQUIT. We will come to it if you will just wait. If you will answer questions direct and straight it will come very soon.

Mr. GOMPERS. You have not been in the habit of answering questions straight yourself so you don't know whether they are straight.

Mr. HILLQUIT. The argument is stricken out.

Chairman WALSH. For the convenience and comfort of the crowd that is here, the officials of the building have brought in some more chairs. They will be brought in there [indicating] and preference ought to be given to those who are to be called as witnesses and sufficient chairs, of course, given to the press at this table.

Mr. HILLQUIT. Mr. Gompers, when I refer to the National Association of Manufacturers, I meant to bring out the point that it is in the interest of the employers to actively organize for a warfare against organized labor. Would you agree with that?

Mr. GOMPERS. Primarily that is its avowed purpose. It has a greater purpose, and that is to prevent organization of working people to protect themselves or to promote their interests. As a matter of fact the president of that organization, only a few days ago, declared that he was going to form a new union—over our heads.

Mr. HILLQUIT. That new union, in his case, was not to be a bona fide labor union, but a scab union, as you understand it.

Mr. GOMPERS. I might say it is treason to the labor movements and treason to the interests of labor.

Mr. HILLQUIT. I understand—now, Mr. Gompers, let us proceed—and isn't that, at any rate to your mind, a manifestation of the fact that employers in their relation to employees and to the labor movement, will be guided by their economic interests?

Mr. GOMPERS. Generally speaking, yes; but the largest number of employers are not members of that organization, and are not in accord with that association. In addition, let me say, that I do not know that there are quite a number of employers who belong to the National Association of Manufacturers because of the trade advantages which are secured through the other features and branches of the activity of the National Association of Manufacturers.

Mr. HILLQUIT. Admitting that the employing classes have certain economic interests opposed to the working classes, would you think it natural to expect that it would organize in defense of its interests and against the organized labor movement?

Mr. GOMPERS. If they organized at all for the consideration of that subject, that would be the purpose.

Mr. HILLQUIT. Mr. Gompers, do you know the history and origin of the American Civic Federation?

Mr. GOMPERS. I do.

Mr. HILLQUIT. By whom was it organized?

Mr. GOMPERS. By Mr. Ralph M. Easley, together with some business men and publicists and a few workmen in the city of Chicago.

Mr. HILLQUIT. When it became a national institution, was it not the late Mark Hanna who was its first leading spirit?

Mr. GOMPERS. No, sir; that is a Socialist misrepresentation of the facts.

Mr. HILLQUIT. Was Mr. Mark Hanna connected with the organization at all, so far as you know?

Mr. GOMPERS. Several—many years—after its first formation.

Mr. HILLQUIT. When it became an institution of national scope was Mr. Hanna connected with it?

Mr. GOMPERS. After it had become an institution of national scope, and a considerable time after.

Mr. HILLQUIT. And while he was so connected, was not he rather a leading figure in the federation?

Mr. GOMPERS. He was for two years its president—president of the American Civic Federation. May I suggest at the start that when you speak of the American Federation of Labor you designate its name, and when you speak of the Civic Federation you designate it by its name, and not confuse the record by the indefinite or confusing word "federation" as applied equally to both.

Mr. HILLQUIT. You would not want to have the American Federation of Labor mistaken for the American Civic Federation?

Mr. GOMPERS. Oh, I would not want by your indirection and insinuation to make such—to confuse.

Mr. HILLQUIT. Mr. Gompers, were not and are not some of the leading members of the National Civic Federation very well known capitalists?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. Will you name some of them—Mr. Hanna?

Mr. GOMPERS. Mr. Hanna, Mr. Seth Low, Mr. Andrew Carnegie, Mr. Belmont—

Mr. HILLQUIT (Interrupting). Mr. Schwab?

Mr. GOMPERS. No.

Mr. HILLQUIT. Was Mr. Schwab never a member of the National Civic Federation?

Mr. GOMPERS. Not to my knowledge—Mr. Brown of the New York Central Railroad, and I think Mr. Delano—no? Mr. Delano says he was not. Oh, quite a number of large employers of labor.

Mr. HILLQUIT. And the object of the federation, among other things, was to adjust certain labor disputes, was it not?

Mr. GOMPERS. It was not.

Mr. HILLQUIT. Doesn't the Civic Federation maintain a department of mediation, arbitration, and other instrumentalities for the adjustment of labor disputes?

Mr. GOMPERS. It has a department of mediation. It undertakes no effort at arbitration, unless called upon to do so voluntarily by both sides. It has

brought employers and workmen together engaged in tremendously important disputes, who could—who it seemed could not be brought together for the purpose of meeting and discussing their diverse points of view and diverse interests; and the result has been that agreements have been reached between large bodies of workers and large employers, the terms and conditions of labor being improved, and to the mutual satisfaction—at least temporary mutual satisfaction of both parties to the dispute.

Mr. HILLQUIT. Mr. Gompers, has not the Civic Federation also taken stands on various practical problems of the labor movement and labor legislation?

Mr. GOMPERS. Never; unless it was adhered to by the representatives of the working people.

Mr. HILLQUIT. Yes, sir; but with such adherence the Civic Federation has undertaken such work, has it not?

Mr. GOMPERS. Not undertaken it, but aided in it.

Mr. HILLQUIT. Aided in it?

Mr. GOMPERS. Aided the working people in their organized capacity to accomplish it.

Mr. HILLQUIT. For instance, in the propaganda for a workmen's compensation act?

Mr. GOMPERS. Yes; and since you have mentioned that workmen's compensation act, it is due to the American labor movement to say that immediately upon the close of the session last evening I called up over the phone Mr. Daniel Harris, president of the New York State Federation of Labor, and asked him as to the connection of yourself and the Socialist Party in the work to secure a workmen's compensation act for the State of New York, and he informed me and showed me the record, that the bill which you advocated was one which was impossible of enactment by the legislature of the State of New York. It required specifically that there should be an appropriation of \$1,000,000, to provide that a member of the commission shall be a Socialist, and such other provisions as were not only impossible of achievement but repugnant to the labor movement and the interests of the working people of the State of New York; and that they could not and would not stand for the bill and that, as a matter of fact, it was a species of assistance as we find in legislatures in which a pretense of kindness for the legislation under consideration will kill with kindness and defeat the very object of the bill. And that now there is upon the statute books of the State of New York the best and most comprehensive and generous workmen's compensation law that prevails in any State or in any country on the face of the globe.

Chairman WALSH. The question was, in this case, Mr. Gompers, whether or not the National Civic Federation advocated the last workmen's compensation act? Is that it?

Mr. HILLQUIT. Workmen's compensation act?

Chairman WALSH. Did it or not?

Mr. GOMPERS. It did.

Chairman WALSH. We will have to bring this shortly to a close, and I will ask you, Mr. Hillquit, to get to the point that you deem most important, and for Mr. Gompers to answer responsively, or we will have to enter up the answer. This is just for the purpose of getting through.

Mr. GOMPERS. May I, in 10 words, call your attention to this?

Chairman WALSH. Yes.

Mr. GOMPERS. Yesterday, without five minutes of preparation, I undertook to cross-examine Mr. Hillquit when he was on the stand, and to each question he undertook to answer in his own way, and after his own assertion, without any limitation, and now, after an evening's preparation and a night's preparation, comes here to discuss entirely extraneous subjects, and if I am expected to simply answer categorically yes or no, why, I don't know whether that would seem exactly the proper thing to do.

Chairman WALSH. If I have left that impression upon you, Mr. Gompers, I have been very unfortunate in my own mode of expression. I have allowed this to go along for approximately 20 minutes longer than your cross-examination of yesterday, so I am now trying to check it, and that is the only way that I can see to do it.

I wish to reiterate that I would desire very much, the commission would, that you would answer yes or no wherever possible, explaining, however, any such answers in your own terms and at reasonable length.

Mr. GOMPERS. Mr. Chairman, don't you believe that the correction of the record, statement, should be made just at this time when this subject is under discussion?

Chairman WALSH. What is that?

Mr. GOMPERS. I made a statement of fact in regard to the record.

Chairman WALSH. I am not complaining about anything that has been done up to this point, but we are about to bring this to a close.

Mr. HILLQUIT. I shall cheerfully submit to the directions of the Chair, except I do want to state in the record—

Chairman WALSH. I understand you are going to be recalled in rebuttal.

Mr. HILLQUIT. I am?

Chairman WALSH. Yes; I see so.

Mr. HILLQUIT. If I am, I will drop it.

Chairman WALSH. At the end of this cross-examination Mr. Gompers can make any statement voluntarily as he sees fit, and I understand it is the purpose of a great many of the members of the commission to ask questions of Mr. Gompers, they being familiar with his organization.

Mr. GOMPERS. Thank you.

Mr. HILLQUIT. Then, Mr. Gompers, your belief is that a capitalists' union, which has come in the Civic Federation and have ordinarily led, have done so for the benefit of the working class?

Mr. GOMPERS. Your assumption is wrong when you say that they have led the National Civic Federation.

Mr. HILLQUIT. They have participated in its work, have they?

Mr. GOMPERS. Yes, sir.

Mr. HILLQUIT. Now, Mr. Gompers, have they done so, in your opinion, for the benefit of organized labor?

Mr. GOMPERS. I think they have done it in an attempt to secure some improvement in conditions among the working people. I should say, for instance—let me call your attention to this: The workmen's compensation, the Civic Federation had a committee for over a year studying that subject.

Mr. HILLQUIT. Yes, sir.

Mr. GOMPERS. Among them Mr. Tecumseh Sherman and others. They had the experts from all over the country upon that subject and they formulated a bill. When the New York State Federation of Labor declared that it would not stand for that bill the Civic Federation immediately withdrew that bill from any consideration of it.

Mr. HILLQUIT. Mr. Gompers, I thought we were agreed on brief questions and brief answers for the little time we still have. Your answer, then, is that those men that you named did work in the Civic Federation, the lead part or otherwise, with a desire to help labor?

Mr. GOMPERS. I did not say that?

Mr. HILLQUIT. What did you say?

Mr. GOMPERS. I said they endeavored, in so far as they could, to help in the formulation of a bill on workmen's compensation that would be helpful and beneficial.

Mr. HILLQUIT. Pardon me. You have answered that question.

Mr. GOMPERS. Pardon me a moment.

Mr. HILLQUIT. No; unless I am directed to by the chairman.

Mr. GOMPERS. Counsel interrupts me.

Mr. HILLQUIT. We will try to stick to questions and answers. I was not referring to workmen's compensation. I am referring to the motives for the activity of the capitalists you have named in the National Civic Federation, and I am asking you whether you believe that those capitalists have been giving the time and the work of the American Civic Federation for the benefit of the working classes.

Mr. GOMPERS. I will say that I don't know their motives. I simply know their acts, and I say that there has never been an action taken by the National Civic Federation that was hostile to the interests of the working people.

Mr. HILLQUIT. You have stated before, Mr. Gompers, that you believe there was no harmony between the interests of the employing classes and those of the workers, and that you believe that the workers must depend upon their own efforts as workers, without the interventions of intellectuals, you say, or others, to secure the improvements. Now, I am asking you, do you believe that they can secure such improvements with the intervention of capitalists of the type that you have named in the Civic Federation?

Mr. GOMPERS. First, when you speak of the intellectuals to which I referred I say the intellectuals who undertake to dominate our movement. The National Civic Federation have never attempted to dominate the affairs of our movement. And, second, you said regardless of what motives they have. I

simply know their acts. It is most difficult for anyone to determine even your motive or my motive. I only can judge of people's acts, and I know their acts have never been hostile in the Civic Federation to the interests of the working people.

Mr. HILLQUIT. Then, you would not think it is perfectly proper for an official representative of the American Federation of Labor to cooperate with well-known capitalist employers for common ends?

Mr. GOMPERS. There is no such thing as that upon which your question is predicated.

Mr. HILLQUIT. Answer the question, whether you think it proper or not.

Mr. GOMPERS. This is another one of those questions the answer to which will convict.

Mr. HILLQUIT. It might, Mr. Gompers.

Mr. GOMPERS. Yes; and it will.

Mr. HILLQUIT. You think so?

Mr. GOMPERS. I may not be quite so clever, but at least I shall try to be truthful and assume nothing upon which—unless I have basis for it. There is no such thing as cooperation between the leaders of the labor movement and the leaders of the National Civic Federation. What is done is to endeavor to impress upon all with whom I—and I know that your questions are directed toward me without regard to anyone else—I say, so far as I am concerned, I can go anywhere where men assemble and where they consider the questions affecting the working people; I can meet with them and bring the message of labor to them; to argue and contend as best I can with them for the rights of the working people; and if I can influence them to any act of helpfulness toward any one thing in which the working people are interested I have accomplished something. I have never felt that I have come away with my skirts besmudged or my character impaired or my determination to toil and struggle for the working people impeded or impaired in any way.

Mr. HILLQUIT. And you think it is perfectly feasible and possible for a labor leader to influence large employers and capitalists to join the American Civic Federation and National Civic Federation to take measures for the benefit of organized labor?

Mr. GOMPERS. That is not the question. I will appeal to the devil and his mother-in-law to help labor if labor can be aided in that way.

Mr. HILLQUIT. And will you cooperate?

Mr. GOMPERS. Let me say this: The question comes with ill grace when Socialists are battling in everywhere, no matter whether the employed or the capitalist class—

Mr. HILLQUIT. Let's not try to evade the question.

Mr. GOMPERS. That is not evasion. That is a supplemental statement of fact.

Mr. HILLQUIT. Very supplemental. Now, Mr. Gompers, you have drawn the parallel between the National Civic Federation and the devil and his grandmother. Now, I am asking you, will you go to the extent—will you expect the devil or his grandmother to aid the American labor movement, and would you cooperate with him?

Chairman WALSH. Please proceed to some other question.

Mr. HILLQUIT. Very well. Mr. Gompers, do you know that is a contradiction between your previous statement to the effect that there is a certain antagonism between the interests of employers and of employees, that the struggles of the workers are directed against the employers, and that those struggles must be conducted by themselves as workers and your activities in the National Civic Federation?

Mr. GOMPERS. No.

Mr. HILLQUIT. Hold on—

Mr. GOMPERS. One minute. No. As a matter of fact, the National Civic Federation is quite as emphatically damned by the National Association of Manufacturers as it is by you and your associates, because, as the National Association of Manufacturers have said—they say that it is dominated by the labor leaders.

Mr. HILLQUIT. Do you agree with them—the National Manufacturers' Associations?

Mr. GOMPERS. I should prefer not to say. I would not care to weaken such influence as I might have with the National Civic Federation by claiming that I do dominate it.

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Mr. HILLQUIT. Mr. Gompers, you are familiar with the trades-union movement outside of the United States, aren't you; in other countries of the world, I mean.

Mr. GOMPERS. Yes, sir; fairly well.

Mr. HILLQUIT. Can you name a single instance in any country of the world where representatives of the trades-union movement have any affiliation similar to that of the leaders of the American Federation of Labor and the National Civic Federation?

Mr. GOMPERS. As a matter of fact, there is no such affiliation here as that which you refer to.

Mr. HILLQUIT. If not, such as there is?

Mr. GOMPERS. There is no affiliation.

Mr. HILLQUIT. You hold membership in the National Civic Federation?

Mr. GOMPERS. I do not, sir; there is no such thing as membership.

Mr. HILLQUIT. Aren't you an officer of the Federation?

Mr. GOMPERS. I am.

Mr. HILLQUIT. But not a member?

Mr. GOMPERS. There is no such thing.

Chairman WALSH. You will have to keep order in the rooms or I will ask the sergeant at arms to clear the room.

Mr. GOMPERS. You must remember that it has no membership in that term of membership. It is voluntary men, who are willing to aid or give aid or secure aid. Simply attend. The officers are simply a matter of administrative—what is it they perform?

Mr. HILLQUIT. Whatever it is. Does anybody appoint or elect the officers of the National Civic Federation?

Mr. GOMPERS. Those who may come to the annual meetings.

Mr. HILLQUIT. Those who happen to come in?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. And they elect?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. And you are such elected officer?

Mr. GOMPERS. Yes.

Mr. HILLQUIT. I would like to ask whether you know any analogous example anywhere in the world of where the officers of a national labor movement hold office in a body similar to the National Civic Federation?

Mr. GOMPERS. No; that is impossible.

Mr. HILLQUIT. Of course.

Mr. GOMPERS. As a matter of fact, there isn't any capitalist in the—say, for instance, in Germany, who would condescend to meet with a representative of labor; and yet let me call attention to this fact, that in the strike of the building trades in Berlin and extending all through Germany two years ago there was a board of arbitration selected, and on which there were a capitalist and public officials and not one labor man; not one labor man.

Mr. HILLQUIT. Is that the closest analogy to the American Civic Federation you can think of abroad?

Mr. GOMPERS. No. In England, when the coal strike occurred of two years ago, approximately, there were the conference between—associated effort of the coal miners, the coal mine owners, and the representatives of what you would term the capitalistic government.

Mr. HILLQUIT. Yes; those are all special cases and acting on special occasions, but not definite, permanent organizations, are they?

Mr. GOMPERS. All for a definite purpose, and the only activity in which I am engaged in with any work of the Civic Federation is cases of that character.

Chairman WALSH. Assuming you can come to a convenient and logical close, we will call your cross-examination closed.

Mr. HILLQUIT. If he would answer, I could close in five minutes.

Chairman WALSH. We can not control his answers and you can not, and with that in mind try to shorten it.

Mr. HILLQUIT. I will in 5 or 10 minutes. You say you are familiar with the trade movement abroad. Will you please state which movement, in European countries, you consider the strongest?

Mr. GOMPERS. In the United States?

Mr. HILLQUIT. No; outside of the United States—countries abroad?

Mr. GOMPERS. The strongest in numbers, do you mean?

Mr. HILLQUIT. In numbers; things accomplished, and everything else that goes to make up strikes.

Mr. GOMPERS. In Great Britain.

Mr. HILLQUIT. Great Britain. Next to Great Britain?

Mr. GOMPERS. Germany.

Mr. HILLQUIT. Then?

Mr. GOMPERS. I think that I might say, like the boy, "there ain't no then."

Mr. HILLQUIT. How about Austria?

Mr. GOMPERS. That is very poorly organized.

Mr. HILLQUIT. How about Belgium?

Mr. GOMPERS. Poorer organized.

Mr. HILLQUIT. And how about the Scandinavian countries, Sweden, Norway, and Denmark?

Mr. GOMPERS. They were better organized before their general strike about five years ago. That strike has weakened the movement there very materially.

Mr. HILLQUIT. Now, with respect to actual accomplishment, the attainment of definite measures of relief, which would you place ahead of the rest?

Mr. GOMPERS. To which do you mean, of relief?

Mr. HILLQUIT. I mean the reform measures in the nature of labor legislation or social insurance and similar measures?

Mr. GOMPERS. I would say Germany. Next comes England.

Mr. HILLQUIT. Yes; then would you take Belgium?

Mr. GOMPERS. No.

Mr. HILLQUIT. What would you take next?

Mr. GOMPERS. I would take Austria.

Mr. HILLQUIT. And then?

Mr. GOMPERS. Belgium.

Mr. HILLQUIT. As to——

Mr. GOMPERS. Belgium occupies an entirely different position to either Germany, England, or Austria, for Belgium is an absolutely highly developed industrial country.

Mr. HILLQUIT. Yes.

Mr. GOMPERS. And yet the labor organizations, the trade-union movement, is very, very far in the rear.

Mr. HILLQUIT. Now, Mr. Gompers, do you know the general political affiliations, attainments, and practices of the German trade-union movement?

Mr. GOMPERS. I do, sir.

Mr. HILLQUIT. Are the German trade-unionists pretty closely allied to the Socialist Party of Germany?

Mr. GOMPERS. They are in their membership, and there is a sort of a common work, too. But this, too, must be borne in mind in regard to Germany: The trade-unions of Germany have absolutely no right of lawful political activity. I have said, Mr. Hillquit, that if I were in Germany I would belong to the Socialist Party, not because I would give adhesion to the philosophy of socialism, but because it is the only protesting democratic party in Germany.

Mr. HILLQUIT. And, as a matter of fact, Mr. Gompers, the large bulk of trade-unionists in Germany supports the candidates of the Socialist Party in elections?

Mr. GOMPERS. As a rule that is true.

Mr. HILLQUIT. And also a number of prominent trade-union leaders are members of the Parliament, including the international secretary, Karl Legien?

Mr. GOMPERS. Yes. You know that Mr. Legien belongs to the Revisionists, so-called in Germany, in the Socialist Party, or the Bernstein school, which recognizes the absolute economic independence of the trade-union movement from the domination of the political Socialist Party?

Mr. HILLQUIT. Yes; but that has nothing to do with the case.

Mr. GOMPERS. That is what you may think.

Mr. HILLQUIT. Well, let's proceed. Mr. Legien is a member in good standing of the Socialist Party, and also a leader in the trade-labor movement. Do you know about the political activity of the trade-unionists in England?

Mr. GOMPERS. I do.

Mr. HILLQUIT. How does it express itself?

Mr. GOMPERS. In an independent political party.

Mr. HILLQUIT. Known as the Labor Party?

Mr. GOMPERS. Labor Party.

Mr. HILLQUIT. In which the socialist organization, independent labor, and another socialist organization known as the Fabians are officially represented? Is that correct?

Mr. GOMPERS. I think so; yes, sir.

Mr. HILLQUIT. And do you know that the political activity of the workers in Belgium—

Mr. GOMPERS (interrupting). Suppose we stop with England for a moment before we make these terrific jumps that likely will drown us in the chasm—

Chairman WALSH. Well, let us make that one jump. We have only three minutes left, and I must bring it to a close in three minutes more.

Mr. HILLQUIT. I don't want to waste my time—my three minutes—on Mr. Gompers' answers. Mr. Gompers may answer in rebuttal.

Chairman WALSH. Well, are you willing to answer this question and leave what you have to say to rebuttal?

Mr. GOMPERS. Very well. Belgium is fairly representative of the political action of the workers. As a matter of fact, the Socialists of Brussels dominate the offices and dominate whatever of the labor movement there is in Belgium, and that, as a consequence, has left the Belgian workmen the lowest in Europe in economic conditions.

Mr. HILLQUIT. In which they are.

Mr. GOMPERS. In which they are. As a matter of fact, wherever the workmen are most active politically, there they lose sight of their economic interests, believing that by casting their vote once a year they can secure remedial legislation that will offset the work of trade-unionism.

Mr. HILLQUIT. Mr. Gompers, isn't it a fact that the American Federation of Labor is the only large national body of organized workers which has no independent political policy or party or organization or affiliation of its own?

Mr. GOMPERS. The American Federation of Labor—it is improper to place the American Federation of Labor in that position, because it has an independent policy and an independent political policy—a policy so politically independent that it is independent of the Socialist Party, too. It looks to achievements rather than the instrumentality to the achievements, and we have achieved in the American labor movement more real betterment for the working people than has been accomplished by any other labor movement in the world.

Chairman WALSH. Mr. Hillquit, we would be very glad, of course—this is intensely interesting to me, as I know it is to the balance of the commission, but we must bring this to a close at some place, and I have allowed this to run 40 minutes in time over what it was yesterday, and so I will, on behalf of the commission, thank you very much for your contribution to our work, and will bring it to a close.

Mr. HILLQUIT. Well, I understand, I will have a chance—

Chairman WALSH. Yes; you may be put on in rebuttal.

Mr. HILLQUIT. Thank you.

Chairman WALSH. Mr. Garretson, I believe you have something you wish to ask.

Commissioner GARRETSON. Yes; I have a question or two. In regard to the last question asked you, Mr. Gompers, while it only applied to the American Federation of Labor, is it not a fact that the entire trade-union movement of America is absolutely without political affiliation?

Mr. GOMPERS. Without any parties and political affiliation.

Commissioner GARRETSON. And that the large national organizations not affiliated with the A. F. of L. are also absolutely independent?

Mr. GOMPERS. Yes, sir.

Commissioner GARRETSON. Going back to one phase of the question that was asked to-day in regard to the attitude of trade-unions toward the minimum wage, you have been connected with the political or legislative efforts of your organization all the years it has made legislative efforts, have you not?

Mr. GOMPERS. Yes, sir.

Commissioner GARRETSON. Now, what labor interests have you come most intimately in contact with during the most of that entire period in the national legislative direction? Has it been the railway brotherhoods?

Mr. GOMPERS. Yes, sir.

Commissioner GARRETSON. By the way, whenever the Federal Government tries its hand on industrial legislation in this country, whom is it always tried out on?

Mr. GOMPERS. On the men engaged in interstate commerce, and that usually applies to the men engaged as workmen on the railroads, and of course, to seamen.

Commissioner GARRETSON. And always to men in train and engine service?

Mr. GOMPERS. Yes, sir.

Commissioner GARRETSON. Now, if the dog survives under the treatment, then it is extended by the States to others in greater or less degree?

Mr. GOMPERS. That is the logical tendency.

Commissioner GARRETSON. Has there or has there not, to your knowledge, been an insistent effort for many years to establish for those men some tribunal or other that would fix the wage, conditions of service, or hours of labor, and conditions of service—

Mr. GOMPERS (interrupting): Yes, sir.

Commissioner GARRETSON. Legislatively?

Mr. GOMPERS. Yes, sir.

Commissioner GARRETSON. Isn't there now pending the usual contention?

Mr. GOMPERS. Yes, sir.

Commissioner GARRETSON. Has your investigation ever demonstrated to you that the insistence, the quiet insistence, behind the scenes, for the enactment of legislation placing in a Government board the power to fix these conditions, was always traceable—

Mr. GOMPERS (interrupting). Yes, sir.

Commissioner GARRETSON (continuing). To the larger interests that employ men?

Mr. GOMPERS. Yes, sir. There is an underground process constantly at work to devise ways and means ostensibly and superficially well-sounding, like a sugar-coated pill is well-tasting, by which process and method there is attempted to fix the status of workmen, to tie them to their labor, to tie them to their task, and that the right of the freedom of action shall be first impaired and then denied. And our friends, the members and leaders of the Socialist Party, would very gladly establish that in the wholesale. They do not understand the struggle for freedom.

Commissioner GARRETSON. Is, in your opinion, that effort anything more than the echo and the effort to continue the conditions that grew up under English legislation in one form or another, from the time of the Black Death until the time of Elizabeth?

Mr. GOMPERS. Yes, sir. There is now a law in England that, under certain conditions, if a miner—a coal miner—does not report for work at a specified time, he may be proceeded against and fined and sent to imprisonment. And frequently cases of that kind occur. I took great pleasure in exposing the existence, not only of that law and that practice, but how utterly at variance such a condition was with the boasted freedom of which we heard so much when I was on the other side five years ago as a delegate to the labor movement there.

Commissioner GARRETSON. One other question, Mr. Gompers, growing out of a question and answer this morning, touching on the same point as this minimum wage. Is it or is it not true, from your standpoint, that the woman and child labor to whom, in this country, the special legislative restrictions largely apply, including the minimum wage, in some instances are, in reality, nothing but really auxiliaries to the ordinary wage problem as applied to men; and that their employment is nothing but an economic subterfuge in which some restrictions are necessary, that would not be recognized as right as applied to men's wage or employment?

Mr. GOMPERS. I think it is generally regarded that children, at least, and minor women, anyway, and women, perhaps, generally, are the wards of the Nation. They are not enfranchised, they haven't political rights, and have not yet even attained any of the economic rights that workmen have.

Commissioner GARRETSON. Nor can they industrially protect themselves as others can?

Mr. GOMPERS. They have not thus far done so.

Commissioner GARRETSON. I mean, they have not shown the capacity to do it?

Mr. GOMPERS. Not yet—that is, to a large extent. They have sometimes done and have made magnificent fighting and self-sacrificing trade-unionists.

Commissioner GARRETSON. I would like to ask you one question in regard to the Civic Federation. Have you ever heard the opinion expressed by labor men who do sit in the same room and eat at the same table with the employing class that benefits had been gained for laboring men through the agencies of such organizations as the Civic Federation?

Mr. GOMPERS. There is no question about it, sir. As a matter of fact it has—I am not prepared to say as to the motives of any of the men—but simply as a matter of fact—the Civic Federation men have been instrumental in blurring

together the representatives of employers and the representatives of workmen who meet for the first time where all other agencies have proved futile, in trying to bring them together.

Commissioner GARRETSON. Have you ever seen the time when the agencies exercised by the organization and which you are able to put in motion through its influence brought conference and settlement where no other means were available?

Mr. GOMPERS. Time and time and again.

Commissioner GARRETSON. Would you consider that if an employer had reached the stage where he believed—I will put the most sordid motive to it—that it was good business to join the effort to enact State legislation or to carry forward a certain movement which in itself was beneficial to the laboring men, would you care a continental what his motive was? Or would you avail yourself of the assistance without caring about the motive?

Mr. GOMPERS. I think I would avail myself of whatever assistance he could render.

Commissioner GARRETSON. If his money would aid you, you would not ask whether it was tainted?

Mr. GOMPERS. I would not accept his money.

Commissioner GARRETSON. If he sent the money in an effort to better the condition of the working people?

Mr. GOMPERS. If he desired to send the money in furtherance of that, if I did not handle it—because I would not handle any money—but if he desired to expend his money in the furtherance of a proposition of that character, I should interpose no objection.

Commissioner GARRETSON. It would not affect your conscience if you aided him in that respect in separating himself from his money?

Mr. GOMPERS. Except it could not reach my hands.

Commissioner GARRETSON. That part of it is not necessary in this phase of it; not in the phase we are looking at.

Mr. GOMPERS. Yes, sir; I would not inquire.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Have you any questions, Mrs. Harriman?

Commissioner HARRIMAN. In your opinion, Mr. Gompers, will the labor movement in this country ever become a political as well as an economic movement?

Mr. GOMPERS. It is already there.

Commissioner HARRIMAN. I mean more or less in the way that labor takes part in things in England?

Mr. GOMPERS. I am not prepared to say what the next or future generations may develop; but it is to the American Federation of Labor, and I suppose that to the American working people it is, of lesser consequence as to which instrumentality is employed in the accomplishment of a cause than the accomplishment of the purpose itself. And we have in the United States secured the advantages of legislation of the most substantial character without the use or the necessity of a so-called independent labor party.

This must also be borne in mind, Mrs. Harriman, that in England and in Brussels and largely in Germany—

Commissioner HARRIMAN. In Belgium?

Mr. GOMPERS. What did I say?

Commissioner GARRETSON. You said Brussels.

Mr. GOMPERS. Yes, sir; Belgium. They are practically industrial countries. The United States, despite the fact that it is becoming largely an industrial country, it is yet mostly an agricultural country. The agricultural workers are almost totally unorganized and sparse, separate from each other. There is no application of the conditions prevailing in many of the countries to the United States. Bear in mind, too, this fact; some may say that it is simply form, but the truth is that we have a Republic. The truth is that we have no established church; we have no established monarchy; that the element and essentials to political freedom obtain in the United States; and that there is not either a monarchy or established church, or a standing army and compulsory military service.

All those elements of opposition—all those elements which obtain in many European countries—do not obtain here, and they are justified as well as it is practical for them to establish a party and seek to remedy these conditions first. There is no necessity, in the United States, at least, to work for the abolition of those conditions. Our conditions are primarily industrial.

Commissioner HARRIMAN. Then your answer is you do not think so, at the moment?

Mr. GOMPERS. I have my day dreams, and I build my castles in the air and allow my mind to run riot sometimes, but if I want to be of some benefit to my fellow workers now and hereafter I am going to get down to terra firma and help them in their present struggle.

Commissioner HARRIMAN. Mr. Gompers, does or does not the American Federation of Labor stand as much for industrialism as the I. W. W.?

Mr. GOMPERS. All comparisons are said to be odious, and I dislike rather to mention names that you did in the same breath.

Commissioner HARRIMAN. I am sorry.

Mr. GOMPERS. I mean, I do.

Commissioner HARRIMAN. I simply wanted it for my own information.

Mr. GOMPERS. I am not speaking for you; I am speaking for myself. The history of the so-called I. W. W., and I don't know which one you mean, because there are two of those things. The aroma is not inviting.

I can speak of the American Federation of Labor. Its organizations have done so much. I know that the American Trades Union movement has done so much for the working people and for the American people, not only working people, because there is not anything that the organized labor movement can do for its members but will find its relief in the conditions of the other workers. The shorter workday, the increased wages, the shop conditions, the character, the treatment of the men and women who work as compared to the treatment of general workers in other countries is simply incomparable.

Chairman WALSH. Can you draw a comparison between the extent of the desire on the part of the American Federation of Labor for industrial unionism and that of the so-called I. W. W. as it now stands?

Mr. GOMPERS. No.

Chairman WALSH. That was the question.

Mr. GOMPERS. No.

Chairman WALSH. You can not do that?

Mr. GOMPERS. No.

Chairman WALSH. Let us go ahead, then, with another question.

Mr. GOMPERS. That is not industrial unionism that they advocate.

Chairman WALSH. What he called industrial unionism on the stand yesterday, organizing all workers into one union.

Mr. GOMPERS. Into one big union?

Chairman WALSH. Yes. Do you desire that also?

Mr. GOMPERS. It is preposterous. May I use this as an illustration?

Chairman WALSH. You say it is impossible. I am trying to bring it to a close.

Commissioner BALLARD. In looking at your chart this morning I noticed that the numbers of the American Federation of Labor for about 20 years up to 1900 were along an even scale from four to five hundred thousand. In 1900 up, 1901, 1902, 1903, and 1904, the numbers began to elevate about 400,000 a year. Did the policy of the American Federation of Labor change about the year 1900? Or was that just the growth of conditions?

Mr. GOMPERS. It was the growth of conditions. The American workman had come to understand that the Federation was a movement to be really helpful, constructive work.

Commissioner BALLARD. I understood you to say that the American Federation of Labor was largely composed of organizations of different unions in different sections of the country, and different places and different classes.

Mr. GOMPERS. Yes, sir.

Commissioner BALLARD. They all send dues to the American Federation of Labor based on their numbers?

Mr. GOMPERS. Yes, sir. That is the national and international unions do. The central bodies and State federations and departments do not. They pay a nominal fee, because they are already represented in their national unions.

Commissioner BALLARD. I understood you to say, Mr. Gompers, in your testimony that they all had the right of secession and the right of withdrawal; and I would like to know what the rights of the American Federation of Labor are to regulate or to criticize the constitution and principles of your federated parties. Have you any real control over those federated bodies?

Mr. GOMPERS. No, sir. May I say, Mr. Ballard, that freedom of conscience, freedom of judgment, prevails absolutely in the American Federation of Labor.

We have no control over the organizations in any declarations or laws or policies which they may pursue, so long as they do not violate the fundamentals of federation.

Commissioner BALLARD. That is all.

Chairman WALSH. Have you any questions?

Commissioner O'CONNELL. I want to develop briefly a point or two.

It is quite generally rumored in the minds of a large number of people, and I have heard it said that the American Federation of Labor or its affiliated organizations would not make any attempt to organize the unskilled men in industries. The American Federation of Labor directly includes local unions, as you gave this morning some 600? Are those unions composed largely of unskilled men?

Mr. GOMPERS. Yes, sir.

Commissioner O'CONNELL. Are there local unions of unskilled men—when I say unskilled men I mean laborers of all character, running into large numbers, several thousand, ten or fifteen thousand in one local union?

Mr. GOMPERS. What is the question?

(The last question was read by the reporter.)

Commissioner O'CONNELL. For instance, in the building labors in Chicago, is there a local union in Chicago of laborers running up into ten or fifteen thousand?

Mr. GOMPERS. Yes, sir. I should say, Commissioner O'Connell, that one of the leaflets published by the American Federation of Labor and distributed in the millions and issued for over 20 years, this statement is contained, that "To maintain high wages all of the trades and callings must be organized; that the lack of organization among the unskilled vitally affects the skilled; that general organization of skilled and unskilled can only be accomplished by united action."

I may say that out of the 1,760 organizers, most of them, yes, 1,700 of them, voluntary organizers, are doing splendid service all through the country to organize the unskilled as well as the skilled. Because, as a matter of fact, the concentration of effort is more necessary for the unskilled than it is for the skilled.

Commissioner O'CONNELL. You heard Mr. St. John, the Secretary of the I. W. W., who appeared before us the other day, when asked a question as to the membership of that organization; I think it was fourteen thousand three hundred and some odd outstanding membership.

(The question was read by the reporter.)

Mr. GOMPERS. Good-standing membership.

Commissioner O'CONNELL. You heard that statement?

Mr. GOMPERS. Yes, sir.

Commissioner O'CONNELL. Do you suppose there are affiliated with the American Federation of Labor, either directly as local unions organized, or indirectly through the affiliated organizations, instances where one single local union has in its membership more members than the total membership of the I. W. W.?

Mr. GOMPERS. Yes, sir.

Commissioner O'CONNELL. The American Federation of Labor employs a large number of salaried organizers whose services are largely used in the direction of organizing the unskilled laborers of the country?

Mr. GOMPERS. Yes, sir.

Commissioner O'CONNELL. The American Federation of Labor disburses large sums of money of its income from the per capita tax for the purpose of organizing the unskilled labor?

Mr. GOMPERS. Yes, sir; at least two-thirds of it.

Commissioner O'CONNELL. The affiliated national and international organizations of the American Federation of Labor largely—a very large number of them accept into membership the unskilled assistants and labor of all kinds connected with their trades and callings?

Mr. GOMPERS. Yes, sir.

Commissioner O'CONNELL. So that in your opinion the statement made that the American Federation of Labor does not attempt to nor does not organize the unskilled labor of the country is not well founded?

Mr. GOMPERS. That is an untruth. It is a statement unfounded by the opponents of the American Federation of Labor and simply repeated and repeated often enough to make the people who repeat it believe it.

Commissioner LENNON. President Gompers, because several people have asked me for such an explanation I want you to give an explanation of the matter

of the peace resolution that was sent to Karl Legien, showing the restrictions of the German Government over free assemblage, free speech, and free press. You have just mentioned it, and some people did not know. They would like to know what the story of it is.

Mr. GOMPERA. At the Seattle convention of the American Federation of Labor last November, two series of preambles and resolutions were introduced, both of them having for their purpose the abolition of wars among nations, and one of the resolutions contained in it a provision recommending or urging the Federal Government of the United States to adopt the policy announced by Mr. Churchill, the first lord of the Admiralty of Great Britain, and for and on behalf of the Government of that country, for a naval holiday; that is, a discontinuance for a year or two of the building of war vessels. The resolution commended the stand taken by Mr. Churchill upon that subject and recommended first that the Government of the United States should second the effort of the British Government in regard to that subject. The committee's report to which these resolutions were referred recommended that the organized labor movement of the several countries of Europe should be communicated with for the purpose of having them make representations to their own respective governments to cooperate in that object, in the carrying out of that object. As being part of the International Federation of Trade Unions, I communicated with the chief executive officer of that federated body and asked him to transmit the resolutions adopted by the American Federation of Labor convention to the officers of the various trade-unions in their respective countries. I received a reply that that was impossible; it would be a violation of the laws of Germany; the trade-union movement would find themselves in jeopardy and the men themselves in jeopardy if that was done. In other ways the officers and the offices were helpful to me in having the resolution translated in a number of different languages, and they were returned here and I sent them from here to the offices of the trade-union movements in those respective countries.

Commissioner LEXXON. President Gompers, would you state the policies and attitude of the Federation and its affiliated organizations as to the carrying out of collective bargains and trade agreements and any agreements that are entered into with employers for definite time?

Mr. GOMPERA. The American Federation of Labor has repeatedly declared and emphasized that agreements entered into between organized workmen and their employers, covering a specific period, with reference to wages, hours, and conditions of employment, should be sacredly kept, and I think that perhaps the most conspicuous instance where there was a provocation, not on the part of the employers themselves, but by reason of the interests involved, was in the case of the United Mine Workers of America, when, during the anthracite strike, a general clamor went up for the United Mine Workers to hold a special convention and declare a general strike of all the coal miners of the country in spite of the fact that the great desire to be helpful was manifested by all; yet, to the great credit of the United Mine Workers, they said that that leaves out their agreements with their employers, and as a consequence they kept their faith, they kept their words, their pledged words, and it worked out, and instead of placing it in the power of the employers to say that it is no use to enter into agreements with this organization because at any convenient time it would break it, they had the additional incentive to enter into new agreements, and in so far as the anthracite miners' strike is concerned, it terminated with considerable improvement in their condition.

Chairman WALSH. There was some question asked by Mr. Hilquit that I interrupted you in your answer, saying that you would have an opportunity hereafter to make answer. If you can recall it, why, you may answer it now, if not, of course, you understand you are to be called in rebuttal after you hear the other witnesses. Do you recall it now?

Mr. GOMPERA. I do not know just what you mean now.

Chairman WALSH. Then you will have an opportunity and can do it later.
(Witness excused.)

TESTIMONY OF MR. JOSEPH J. ETTOR.

Mr. THOMPSON. Will you please give us your name and address?

Mr. ETTOR. Joseph J. Etor, New York City.

Mr. THOMPSON. Of New York City?

1550. REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. ETTOR. Yes, sir.

Mr. THOMPSON. What is your occupation?

Mr. ETTOR. What is my trade or present occupation?

Mr. THOMPSON. Either the trade or present occupation; either one or both.

Mr. ETTOR. I am a metal worker by trade, and my present occupation is national organizer for the Industrial Workers of the World.

Mr. THOMPSON. I might say, Mr. Chairman, and members of the commission, that we had requested by letter Mr. W. D. Haywood to come here and represent the Industrial Workers of the World along with Mr. Vincent St. John, and Mr. Haywood replied in a letter, which is part of the record of the commission, that he was sick and unable to come, and asked us to send for Mr. Etor in his stead, who was then in Wakefield, Mass., which we did, and Mr. Etor is here in that way.

Chairman WALSH. Very good.

Mr. THOMPSON. How long have you been connected with the Industrial Workers of the World officially?

Mr. ETTOR. I have been a member since it organized, and I have been an officer now in the general organization since 1908.

Mr. THOMPSON. You may state again for the record the date of the organization.

Mr. ETTOR. I have been a member of the organization since its inception, 1905, and an officer in the general organization since 1908.

Mr. THOMPSON. Mr. Etor, I will ask you if the constitution or form of organization of the Industrial Workers of the World is printed?

Mr. ETTOR. It is.

Mr. THOMPSON. Have you got a copy of it with you now?

Mr. ETTOR. Yes, sir.

Mr. THOMPSON. Would you mind furnishing the commission with that copy?

Mr. ETTOR (handing pamphlet). That is the constitution with the latest amendments.

Mr. THOMPSON. I will ask to have this marked "Mr. Etor's Exhibit No. 1." (Received and marked "Etor's Exhibit No. 1.")

Etor Exhibit No. 1, "Preamble and Constitution of the Industrial Workers of the World," published by the I. W. W. Publishing Bureau, was submitted in printed form.)

Mr. THOMPSON. Have you any printed proceedings of conventions or other official bodies meetings of the Industrial Workers of the World with you that you could furnish the commission?

Mr. ETTOR. I have various papers and various publications of our organization.

Mr. THOMPSON. Have you any proceedings of the last convention held in Chicago which are printed?

Mr. ETTOR. No; but I could furnish them to the commission later.

Mr. THOMPSON. Would you be willing to do that?

Mr. ETTOR. Yes, sir.

Mr. THOMPSON. Mr. Etor, it has been said here by Mr. Vincent St. John, representing your organization, that the Industrial Workers of the World were opposed to any and all contracts on their behalf with employers. Is that as you understand it?

Mr. ETTOR. Yes, sir.

Mr. THOMPSON. I would like—

Mr. ETTOR. With the proviso, he said, "all time agreements."

Mr. THOMPSON. Yes; all time agreements. Then what kind of agreements other than time agreements are you willing to make with employers?

Mr. ETTOR. Merely agreements that express the conditions under which we go to work for the time being.

Mr. THOMPSON. Are there any limitations upon the conditions which you are willing to put in such a contract? Do they include hours, wages, working conditions, generally?

Mr. ETTOR. Why, conditions that are agreed by the workers and the representatives of the employers.

Mr. THOMPSON. Would it be permissible, under your form of organization, to include in such an agreement a form of arbitration and the appointment of an arbitration board?

Mr. ETTOR. Yes; providing that it is only the employers and the employees: no third party.

Mr. THOMPSON. No third party?

Mr. ETTOR. No.

Mr. THOMPSON. The fact, then, that you do not permit a time agreement does not prevent you from organizing machinery for the mediation and, if you please, for the arbitration of disputes between employers and employees which call for just the representative of both sides?

Mr. ETTOR. No. In fact, that is a mistake. In the best sense of the term, the I. W. W. organizes the only machinery which gives the workers representation in disputes with their employers.

Mr. THOMPSON. Will you please state how?

Mr. ETTOR. I may go further, if you please?

Mr. THOMPSON. Yes, if you please.

Mr. ETTOR. For example, on a strike committee of the I. W. W. no one can take part except the strikers themselves, to go and represent the strikers before the employers. No one can go there except strikers themselves. They may have a spokesman, but he has no other rights except as a spokesman. As a matter of fact, I repeat, the I. W. W. organizes the only possible way by which the workers get actual and direct representation in their dealings with their employers.

Mr. THOMPSON. To illustrate, Mr. ETTOR—what I mean by an illustration, let me give this to you: Assuming that a strike committee from the Industrial Workers of the World had called on an employer with reference to certain matters they wished—demanded, rather—and that the employer agreed to those demands, and then said to this committee: "We would like to institute a board of arbitration or mediation, whatever you want to call it, consisting of two members appointed by you and two members appointed by me, that shall listen, sit and listen, and adjudicate disputes which may arise between the firm and the workers." Could this committee of strikers, with the consent of the people they represented, agree to that form of arrangement?

Mr. ETTOR. Providing that the board so constituted would not act as an umpire.

Mr. THOMPSON. Well, if the board so constituted only consisted of the appointees of the workers and the appointees of the firm; if, you say, these four people should agree with reference to a matter in the future, would that be binding on the workers?

Mr. ETTOR. They could only agree tentatively, not finally. Any final agreement would have to be put to a vote of the workers.

Mr. THOMPSON. In other words, it is your—

Mr. ETTOR (interrupting). That is, the best they could do would be to report to the workers that they had gone into certain matters and had come to a certain definite understanding, and then the workers would vote yes or no on the proposition.

Mr. THOMPSON. In other words, the representatives of the workers would have no power to hand down a decision which would be binding on the workers?

Mr. ETTOR. No.

Mr. THOMPSON. For any length of time?

Mr. ETTOR. No, sir.

Mr. THOMPSON. And that, therefore, as a matter of fact any agreement or arbitration or settlement of dispute between the workers and a firm in such dispute, there could be no settlement by any appointed body, but it must be by the workers as a whole, where the dispute arises?

Mr. ETTOR. That is correct.

Mr. THOMPSON. And consequently, the representatives of the Industrial Workers of the World have no power to enter into these collective agreements which you spoke of here?

Mr. ETTOR. No, sir.

Mr. THOMPSON. Now, in the enforcement, Mr. ETTOR, then, of any difficulty relating to the workers, the theory of the workers, if I state it correctly, is to submit it to trial of a strike if need be?

Mr. ETTOR. Yes, sir.

Mr. THOMPSON. That would be—it must be, of course, the case if there was a discharge of a worker and the other workers wanted him reinstated, that they must finally—it must be enforced by means of a strike if the employer refuses to do so?

Mr. ETTOR. Well, that is a matter to be left to the workers.

Mr. THOMPSON. I mean, they have no means of establishing any other machinery to settle that point?

Mr. Error. The point is that the officers of the I. W. W. haven't anything else to say in the controversy except the power of advising as to what course should be pursued—that is, the suggestion of the course to pursue; but final action and decision depends upon the workers themselves.

Mr. Thompson. In other words, under your form of organization, your method of handling industrial disputes, there could be no prearranged machinery by which the question of this man discharged could be handled by a definite body, unless a body of the workers?

Mr. Error. Yes, sir; there may be a prearranged machinery within the local union. That is, the local union may have in its by-laws—may have a committee that would attend to all such matters and offer advice to the workers.

Mr. Thompson. But—that is, the organization of the local itself. But there could be no means of establishing an agreement with the employer by which certain machinery could be established in which he would have an equal office in point of membership for decision?

Mr. Error. No; we don't give the employer anything to say in the machinery, in the conduct of our work.

Mr. Thompson. Then, in the case of the discharge of the worker, and the employer should ask you to consider his case by some standing body or temporary body, you would be compelled to say to him that he must reinstate him, or there must be a strike?

Mr. Error. That is again a matter that would be left to the local union.

Mr. Thompson. I mean in case the employer refused to reinstate him? Suppose your committee, in representing the strikers, the strike committee, or the workers' committee, or whatever form it may be of the local union, should go to the union and say, "We want this man reinstated," you could not agree to any machinery by which that would be tried out; you could not agree in advance to any machinery by which that question could be tried out?

Mr. Error. The committee can not agree to anything. The only thing it can do is to discuss the question and come to a tentative understanding and make its report and its recommendation to the workers. The workers are the ones that decide what action and what position shall be taken.

Mr. Thompson. Then, in any case of discharge, Mr. Error—

Mr. Error (interrupting). In other words, whatever committees there are are generally committees elected for a specific purpose, and they get specific instructions, and they are only there to do whatever they are told to do, and nothing else.

Mr. Thompson. Well, in such a case if the committee appointed by the workers and representing them should go to the firm and the firm should refuse to reinstate the workers, the only means that the workers would have in case they wanted to insist upon that would be a strike, is that it?

Mr. Error. They might not decide to strike.

Mr. Thompson. I mean if they wanted to insist upon it?

Mr. Error. I repeat that is a matter left to the workers.

Mr. Thompson. I mean suppose the workers should insist upon that man being reinstated, what other methods have they got at hand; what other instruments other than the strike in such a case?

Mr. Error. Well, they might strike outside of the shop, or inside of the shop.

Mr. Thompson. You mean by slow work and poor work, and so on?

Mr. Error. They might do good work and still strike on the job.

Mr. Thompson. Well, what, for instance, inside, and do good work?

Mr. Error. Well, for instance, a union of restaurant and hotel workers. A number of patrons are in the habit of coming in and asking the waiter what is good on the bill of fare, and it will be the duty of these union men to tell them what is good and what is bad. That is commonly known as "open-mouthed strike," in which the workers do not do anything bad—they actually tell the truth of the situation [laughter].

Mr. Thompson. Well, a case other than a restaurant case. Take a case in a factory where they are making silk, for instance. What is the method there, inside?

Mr. Error. The silk-workers union might, for example—it is in the best position to do so. They could explain how the silk dresses are really tin-can dresses—that is, two parts of the dresses are made out of tin cans—and they might explain how, in the process of dyeing, lead is put in in order to affect the weight.

Mr. Thompson. Well, assuming that such action brought no response that was beneficial to the workers, what else could they do, then, if they were going to insist upon the reinstatement of that man?

Mr. Error. Well, this is a method of warfare, Mr. Thompson.

Mr. Thompson. Yes.

Mr. Error. The question as to whether it would bring response immediately or not would depend on to what extent it would affect the pocketbook of the boss.

Mr. Thompson. Well, the last resort would have to be the strike, wouldn't it?

Mr. Error. Taking the strike as a general term, it may be a strike outside or a strike inside of the mill or factory.

Mr. Thompson. Then your organization believes that the method you speak of—the strike inside or the strike outside—constitutes the best method to adjust questions arising in a shop in which the workers from day to day are seeking justice, for instance, as to questions of discharge, questions of mistreatment of workmen by the foreman or other members of the firm, questions of disagreement as to work and the prices as to work and wages, and bad conditions in the shop—

Mr. Error (interrupting). I won't say they are the only methods, but I say they are the only methods left to us.

Mr. Thompson. What objection is there in fact to entering into an agreement with an employer by which such things as the discharge of a man, the mistreatment of an employee in a shop, the discrimination in the case of an employee in the matters of work, or the time, or the price, or the place in the shop, or improvement of shop conditions could be left to the adjudication of a body previously determined upon by the workers and the employing firm?

Mr. Error. There are two objections. One objection is that all agreements are dictated by the strongest party to the agreement. The second objection is that since this board would be composed of four men, two of them being loyal to the workers, and two of them being loyal to the employers, they could never come to an agreement.

Mr. Thompson. It is perfectly possible, then, that they might agree on a third (fifth) man who might be either an employer or one of the workers.

Mr. Error. That would be impossible, for the employer would never agree to a workman, or a working woman. They would always insist on what they call a public-spirited citizen. And the public-spirited citizen is an employee, who has succeeded in organizing his industry to that point of efficiency that he does not have to attend to it himself. He has spare time to devote to a sort of a social sport called civic duty.

Mr. Thompson. Now, Mr. Error, from your experience with the adjustment of such matters as I have spoken to you about by the Industrial Workers of the World, do you think that they have adequate and sufficient machinery for the settlement of those matters that would be superior to the establishment by the workers and employers jointly of a board empowered to decide these questions from day to day?

Mr. Error. I said in my previous reply that it is not a question of whether that is the best method, but it is the only method left to us.

Mr. Thompson. That is left to you as workers, or left to you by reason of your organization?

Mr. Error. No; left to the working class.

Mr. Thompson. Upon what basis do you make that statement; what are the reasons that support it?

Mr. Error. In social questions the strongest decide what shall prevail and what shall not.

Mr. Thompson. Well, that is so indefinite, Mr. Error, and may be applied so differently—

Mr. Error (interrupting). I think that is quite definite.

Mr. Thompson. I would like it more in detail.

Mr. Error. Well, to this extent: Say that there is a dispute between the workers and the employer over a definite proposition. We say that the only way to settle that dispute is for the employers' and the employees' representatives to get together and find out what the dispute is really about. However, as to which side is going to win on the dispute depends upon which side is the strongest. In other words, if the workers find themselves in a position at a particular time because of the market demands and because of the power of their organization in the shop, or for any other reason that is sufficiently strong, they will enforce their will. If they lack—that is, if the work is slack and there is not sufficient organization in the shop and there is not sufficient knowledge and intelligence among the workers to effect the desired results—then the employer will win out.

Mr. THOMPSON. Now, Mr. Ettor, what has been your experience in the adjustment of disputes of this kind while you have been an official connected with the Industrial Workers of the World? Where and in what industries?

Mr. ETTOR. Well, the greatest instance—that is, the instance of any note—is the strike in Lawrence.

Mr. THOMPSON. The strike in Lawrence was a general strike in Lawrence in one industry, was it not?

Mr. ETTOR. Yes, sir.

Mr. THOMPSON. Against many firms?

Mr. ETTOR. Against all the firms in Lawrence.

Mr. THOMPSON. Yes, sir. Now, in that case, that clearly does not come within the kind of cases I am thinking of—the adjustment of cases of discharge and of discrimination in the shop and of unfair working conditions. That was a general strike. But take what questions arise from day to day in shops where you have had and dealt with the adjustment of those cases under your method.

Mr. ETTOR. Well, you see that is not right. It is not the practice of the organizers of the Industrial Workers of the World to have any experience of that nature, because that is work that is attended to by the members of their local union themselves. It would only be in rare cases where an organizer would be called in.

Mr. THOMPSON. Therefore you have had no experience in regard to that subject yourself?

Mr. ETTOR. Well, I have experience, but I could not give you any definite proposition. The local unions have had successes in that line.

Mr. THOMPSON. Let me make it more definite. Have you got in your organization a union which is established in a shop having, say, from six to twelve thousand workers, where there is from time to time, or rather from day to day, as the questions arise, any adjustment of these industrial disputes? If so, where is it and how are they handled?

Mr. ETTOR. No; we have no local at that number. However, we have locals who have a very small membership in mills and factories that employ five to ten thousand that have been able to settle disputes that way.

Mr. THOMPSON. For the entire membership?

Mr. ETTOR. Why, yes; they settle such disputes as come to their attention or that they desire to take up.

Mr. THOMPSON. Where are those organizations and how are these matters of daily occurrence that are in dispute—

Mr. ETTOR. Well, we have them in the textile industry—Paterson, for example.

Mr. THOMPSON. Well, where is the firm there where you have an organization where they are—that is, where the workers and where you do adjust from day to day these constantly arising industrial disputes between the workers and the firm?

Mr. ETTOR. I could not name—

Mr. THOMPSON (interrupting). Then you would not want to refer this commission to any example for investigation as to the success of your methods?

Mr. ETTOR. I could not give any definite information. That has been done by the local in Paterson.

Mr. THOMPSON. This commission is going to hold public hearings in Paterson, and is very anxious to get information, and will you refer us to some organization or some individual from whom we may get information?

Mr. ETTOR. Why, the officers of the local union of the I. W. W. there.

Mr. THOMPSON. Do you know who they are now?

Mr. ETTOR. No; they have changed officers. That is, I know some of them.

Mr. THOMPSON. Will you give them?

Mr. ETTOR. Ewald Koettgen.

Mr. THOMPSON. Does he live in Paterson there?

Mr. ETTOR. Yes, sir.

Mr. THOMPSON. Is that the only name you can give?

Mr. ETTOR. Adolph Lessig.

Mr. THOMPSON. What others?

Mr. ETTOR. I could not recall any others.

Mr. THOMPSON. Are their headquarters easily found?

Mr. ETTOR. Oh, yes; they are on the main street.

Mr. THOMPSON. Now, Mr. Ettor, do you know from your own knowledge—from your own industrial experience—of any large shop running anywhere from 500 people up where there are arising daily questions of discharge which are

called into question by the workers, where there are arising daily questions of discrimination which are called into question by the workers, discrimination of various kinds, not only as to the character of the work, but as to the treatment of the employees, and where there are many questions arising in such establishments as to unfair treatment personally by the foreman and the other officials? Now, how will your organization from day to day treat these constantly recurring questions which the workers feel ought to have settlement?

Mr. ETTOR. Why, the way I would do that would be that the organization would have a grievance committee to which all grievances would be reported. That grievance committee would be either a grievance committee representing each department and functioning in each department of the shop, or a general grievance committee, to which the workers of the various departments could make their grievances known. That grievance committee could investigate the facts and make its report of the investigation to the local union.

Mr. THOMPSON. Do you think—

Mr. ETTOR (interrupting). For example, while I think of it, I have in mind the local union of silk workers of the I. W. W. here in the city. It has two shops in one section of the city in which it is carrying this out. They have shop meetings besides the regular union meetings, and in the shop meetings the chairman from each one of the floors reports the matters that have been brought to his attention that he has investigated, and they ask what he recommends; then the question is put to the house as to what they will do with the report of this chairman on floor No. 1 or 2 or 3, and so on, and the body takes action. For example, it might decide that all the shop chairmen of the various floors go into the office the next morning and make representation to the employer and ask for reparation in the matter and report back to the next shop meeting, to be called either by the general shop chairman or by the shop chairmen themselves or on the insistence of a sufficient number of the workers in that shop.

Mr. THOMPSON. Now, Mr. ETTOR, in any industry of any size, even less than a thousand, where these questions may arise—and I guess you know as well as I do that they do arise every day, many of them—in order to adjust it that way you would have to have practically a daily meeting of the employees, would you not, as a whole?

Mr. ETTOR. Not necessarily. I rather think that once we get into swing of this practice we will do away with the professional labor leader—

Mr. THOMPSON (interrupting). That is not my question.

Mr. ETTOR. And, further than that, I rather think when we get into a thing of this kind and give the employer a taste of that kind of action that he will be somewhat hesitating in repeating these daily offenses and injuries and outrages on the workers—

Mr. THOMPSON (interrupting). Well, now it is possible, too, Mr. ETTOR, that these daily outrages sometimes are merely questions of judgment in which the workers may feel that the employer has erred. But leave that out. That is your method of treating those disputes that may arise. There is nothing else that you would care to add to that—

Mr. ETTOR (interrupting). No.

Mr. THOMPSON (continuing). In order to assist this commission in arriving at a knowledge of your methods.

Mr. ETTOR. I will give this commission all the information that I am asked for that I may have.

Chairman WALSH. Have you much more to ask this witness, Mr. Thompson?

Mr. THOMPSON. I only wish to ask him some questions as to the destroying of property and the taking of life.

Chairman WALSH. I will make this suggestion: You heard the testimony given by Mr. Vincent St. John yesterday?

Mr. ETTOR. I did.

Chairman WALSH. As to the philosophy, plans, and basis of your organization?

Mr. ETTOR. Yes, sir.

Chairman WALSH. Now, do you have any dissent with anything that Mr. St. John said? Or do you care to make any additional statements? We do not want to duplicate testimony, of course.

Mr. ETTOR. No, no; I do not.

Chairman WALSH. You have none?

Mr. ETTOR. No.

Chairman WALSH. That is all, then; thank you.

Mr. ERROR. However, I want to make the point clear; I want to bring it to the attention of this commission. As I understand, this commission is organized for the purpose of finding out the reason for the labor struggle; and one of the reasons for not only the struggle but all that pertains to it, and particularly the I. W. W., the disadvantage that attends their case. I had in mind what occurred yesterday, and every member of this commission remembers the testimony of Mr. St. John; and yet, as a fair example of the treatment that we receive from the press is the example exhibited last night and this morning, in which all of the papers joined in a chorus of absolute misrepresentation in which they tried to make out that the I. W. W. believes in violence as a reason for itself; in other words, for violence's sake. The I. W. W. is the only organization, as a matter of fact, that would organize the workers in such a way as to make its war cry "War against war." In other words, we are organized against violence, and the only violence that takes place in the struggles of the I. W. W. is the violence that is provoked by the employers.

Chairman WALSH. Is there any further statement, Mr. Error?

Mr. ERROR. No, sir.

Chairman WALSH. Mr. Delano would like to ask you a question.

Commissioner DELANO. If I understand the theory of your organization, it is that you organize an entire trade, all of the employees in a trade, those being highly paid and those getting low pay. Supposing it is the textile industry, a textile mill, you would organize all of the employees in that mill, from the highest paid to the lowest paid?

Mr. ERROR. Our plan of organization is to organize all the workers of a textile mill into one union from the lowest paid, and the man or woman or child with the least skill to the man, woman, or child with the greatest skill. I want to say that there is absolutely no apprenticeship regulation in our organization. Any man, woman, or child whose labor and whose sweat is required to be coined into dollars for the employer, if their labor is good enough for the employer, we want to organize their energy and their enthusiasm into one union.

Commissioner DELANO. In that method of organization, how do you settle the share or the wages that man and woman should receive? For example, you might in the same organization have highly skilled people getting as high as \$5 or \$6 a day, or very much less skilled people, or just beginners in the industry, receiving perhaps \$1 a day or something like that or less. How do you tell how much they shall have? You couldn't settle that by vote. I should not think. There might be very few of the highly skilled and might be outvoted by the less skilled.

Mr. ERROR. We do not make any effort at establishing different wage scales. As a general proposition we establish a minimum wage. Or, when we make demands, we make a general demand.

Commissioner DELANO. A general advance of a certain amount?

Mr. ERROR. Yes, of, say, a given percentage for all involved.

Commissioner HARRIMAN. I asked this question of Mr. St. John yesterday: I said, "Do you believe in violence?" And he said "Yes"; and he did not qualify his answer in any way. I have the notes here. I only felt that it was fair to call your attention to that fact.

Mr. ERROR. I openly disagree with you. I know he did qualify it.

Chairman WALSH. In what way?

Mr. ERROR. He qualified it by saying that he did not believe in violence as a method by itself.

Commissioner HARRIMAN. Did you hear that?

Mr. ERROR. Of course I did. I know his position.

Chairman WALSH. Any other question?

Commissioner BALLARD. You spoke of a strike within the shops and said, for instance, the employer might pursue some unfair or dishonest policy. Are we to understand when wages are good and the worker is getting what he wants he withholds that information, but that at other times he will tell on the manufacturer?

Mr. ERROR. That is what the manufacturer does to the worker.

Commissioner BALLARD. I am only asking you for the worker at this time.

Mr. ERROR. Yes; in other words, in our struggle for better conditions, in our struggle for more life, in our struggle for more humanity against property and profits, we propose to pay the employer in equal exchange. The employer keeps us at work, but when we join the union, then he tells us that we are bad workers.

Commissioner BALLARD. Are you?

Mr. ERROR. Well, he decides that question. He has his own scales and his own tape measure by which he decides what is bad and what is good. We propose to have a tape measure and scale of our own.

Commissioner BALLARD. If the manufacturer really honestly tries to give good goods and fair treatment, and you were still discontented, do you think it would be right to injure him if you could?

Mr. ERROR. I can not imagine any such situation. The tendency is not that manufacturers vie with one another as to who can turn out the best goods, but the tendency is that manufacturers vie with one another as to who can produce the cheapest by employing the cheapest labor as well as the cheapest raw material, and who can sell it the cheapest.

Commissioner BALLARD. You have had experience with no others but those?

Mr. ERROR. That is all the experience that I have had with all of them.

Commissioner BALLARD. You are very unfortunate.

Commissioner O'CONNELL. Does the I. W. W. believe in the methods that have been held up for political action as laid down by the Socialists here?

Mr. ERROR. No, sir.

Commissioner O'CONNELL. You do not believe in political action?

Mr. ERROR. We believe in political action of our own. That is, we believe in direct political action by the workers in which every worker in industry has a vote in his own union to determine the affairs of the workers at work, for the interests of the workers, but we do not believe in so-called political action which presupposes the going to a booth on a certain day, under certain conditions, and voting for any lawyer or for any of these public-spirited gentlemen, and that they are going to go to Congress, or anywhere else, and through the process of passing laws, they will create better conditions for the workers.

Commissioner O'CONNELL. I think Mr. Hillquit, who has addressed us here and who is a lawyer by profession, is a candidate for Congress. You would not feel like supporting him, trusting your affairs in his hands in Congress?

Mr. ERROR. You put it right. I might add, Mr. Hillquit or anybody else.

Commissioner O'CONNELL. Are you a native of the United States?

Mr. ERROR. Yes, sir.

Commissioner O'CONNELL. Born in the United States?

Mr. ERROR. Yes, sir.

Chairman WALSH. At this point the commission will stand adjourned until to-morrow morning at 10 o'clock, to meet in the aldermanic chamber.

The revised program will be that Mr. Max Hayes will be the next witness; then G. W. Sullivan, Morris Hillquit, Vincent St. John, and Samuel Gompers will be called in rebuttal.

(And thereupon, at 4:30 o'clock, the further proceedings were adjourned from this Friday, May 22, until Saturday morning, May 23, 1914, at 10 o'clock a. m.)

NEW YORK CITY, *Saturday, May 23, 1914.*

Present: Chairman Walsh, Commissioners Garretson, Lennon, Ballard, O'Connell.

Chairman WALSH. Please come to order. Call your next witness, Mr. Thompson.

TESTIMONY OF MR. MAX S. HAYES.

Chairman WALSH. Just a moment before you proceed. I think, as you have announced the program, it would be as follows: Mr. Hayes and Mr. F. R. Gordon and Mr. Sullivan in behalf of the A. F. of L., and then in rebuttal Mr. Hillquit, Mr. St. John, and Mr. Gompers.

Mr. THOMPSON. That is correct.

Chairman WALSH. I will make the announcement that we will adjourn at 12 o'clock promptly to-day for the day, and we would like to conclude these witnesses before 12 o'clock.

Mr. THOMPSON. Mr. Hayes, will you please give us your name, address, and your occupation.

Mr. HAYES. Max S. Hayes; 979 Parkwood Drive, Cleveland, Ohio; editor of the Cleveland Citizen; organizer for the International Typographical Union; national committeeman from Ohio for the Socialist Party; and a few other minor positions.

Mr. THOMPSON. What is this paper or journal you speak of, Mr. Hayes?

Mr. HAYES. It is a weekly labor paper.

Mr. THOMPSON. Published by the typographical union?

Mr. HAYES. No; by a corporation of which I am a member.

Mr. THOMPSON. It is not affiliated or identified with any particular organization?

Mr. HAYES. Wholly independent as a newspaper.

Mr. THOMPSON. Then, from your statement, Mr. Hayes, we are to understand that you are a member of a union affiliated with the American Federation of Labor, and also you are a member of the Socialist Party?

Mr. HAYES. Yes, sir.

Mr. THOMPSON. And an organizer for both in the past?

Mr. HAYES. Yes, sir.

Mr. THOMPSON. Mr. Hayes, did you hear the testimony which was given here yesterday by Mr. Gompers?

Mr. HAYES. I did.

Mr. THOMPSON. In reply to the cross-examination of Mr. Hillquit?

Mr. HAYES. Yes.

Mr. THOMPSON. I would like to have you state, as you see it, the position occupied by the American Federation of Labor, its aims and objects, and the position occupied by the Socialist Party and its aims and objects; wherein they agree and in what respect they differ.

Mr. HAYES. Well, in a general way, the aims and objects of the American Federation of Labor, so far as its political and social demands are concerned, are quite similar; in fact, are about the same as those of the Socialist Party in the immediate demands of the platform on which the latter organization is based. Holding a sort of dual position in the two organizations, having attended the conventions of the American Federation of Labor during the last 15 years as a delegate, I have followed the trend quite closely, and naturally have gained some convictions relative to the principles upon which both organizations are founded. I want it understood that I am not here speaking as a representative of either organization. I have not been delegated by the Socialist Party nor by the American Federation of Labor to express the views of their memberships; but they are my own impressions. In other words, I do not wish to pose as a labor leader or a Socialist leader; but I would prefer, however, to be classified, perhaps, as an ordinary labor and socialist agitator. I sometimes become a little bit provoked when I am referred to as a labor leader or a Socialist leader, because my impression of the democracy of the dual movements is that they lead themselves largely, but have spokesmen, advocates, agitators, etc. In my capacity as a delegate to the American Federation of Labor and as a member of the Socialist Party, as editor of the Citizen for the last 25 years, as a member of the trade-union movements for 30 years, and about 19 years of the Socialist Party or the Socialist movement, I have come to the conclusion that the American Federation of Labor is the logical economic organization for this country. I have no sympathy with or for the so-called Industrial Workers of the World any more than I had for the Socialist Trade and Labor Alliance which was organized in opposition to the American Federation of Labor prior to the I. W. W., or with the American Labor Union, which was launched after the A. R. U. strike. I do not fully agree with Comrade Debs, on the one hand, regarding his views as to what form organization should take on the industrial field. Nor do I agree with Brother Sam Gompers, on the other hand, in his opposition to the Socialist movement or to the progressive demands made by the Socialist movement or the principles thereof.

My opinion is, after being in close touch, in daily contact, not with the officers of these organizations but with the rank and file—those are the ones with whom I come in touch, because it is my business as an organizer; and I believe I am as fully conversant with the views of the average worker—the man in the street, so called—as any person can be, because of that daily contact. That there is not the difference between the membership of the Socialist Party and the membership of the trade-union movement that people are frequently led to believe exists, because of the contentions, the rivalries, the jealousies, or the animosities that may exist between the so-called leaders of these movements. I do not wish to deal particularly with the individuals, because, in the long run, there is not very much gained in the matter of criticizing individuals. When I speak of individuals I want it understood I am dealing with their views, with their policies. Whatever antipathy may exist between Mr. Debs

and Mr. Gompers as national figures, who are known as representatives of the organizations with which they are affiliated, does not generally exist among the rank and file. I listened very attentively to Mr. Gompers's examination yesterday, and I was not particularly surprised at some of his statements, because he has given expression to substantially the same views in conventions with reference to the Socialist movement.

To the ordinary individual it would appear that there is a sort of gulf, an inseparable barrier, between the Socialist organization on the one side and the recognized labor movement on the industrial field on the other side.

Now, as a matter of fact, the very large bulk of the membership—a majority, I would say, of the membership of the Socialist Party—is composed of trade-unionists, and a very large proportion, that is, the largest proportion of the membership of the Socialist Party, is of the trade-union world. Instead of there being antagonism—I speak from experience when I say, as representative of the typographical union, that I have been very materially assisted by Socialist organizations. For instance, in cities and towns in the Middle West where we had no local organization and where there appeared to be difficulty in getting the printers to form a union to affiliate with the international organization, I have corresponded with Socialists, members of Socialist locals, and enlisted their cooperation in interesting printers upon the subject of organization, later following up the correspondence by a personal visit, with the result that we formed a union.

That is my individual experience, and undoubtedly many organizers, international organizers—you understand I am making a distinction between international organizers and the organizers of the American Federation of Labor, those directly connected with headquarters in Washington. I know, from representatives of the international affiliated with the American Federation of Labor, they likewise have been assisted by and used Socialist organizations in the smaller towns, and we have Socialist organizations in hundreds of towns where there are no unions, and they aid in securing the formation of trade-unions. I might sit here and explain for an hour more of the cooperation that exists between the rank and file, between the memberships of the Socialist Party and the labor unions, particularly in the smaller towns of the country.

MR. THOMPSON. May I interrupt you at this point?

MR. HAYES. Yes, sir.

MR. THOMPSON. Is it known to the Socialist Party that you are a member of the A. F. of L.?

MR. HAYES. Oh, certainly.

MR. THOMPSON. Has there ever been any objection to your membership of the A. F. of L. by the Socialist Party?

MR. HAYES. Absolutely none.

MR. THOMPSON. Has there ever been any objection by the American Federation of Labor to your membership and participation as an official in the Socialist Party?

MR. HAYES. None whatsoever.

MR. THOMPSON. Does that condition which exists with reference to you exist with reference to thousands of other workers?

MR. HAYES. It does.

MR. THOMPSON. Is there a fair percentage of the membership of the American Federation of Labor, in your opinion, that are Socialists, avowedly such?

MR. HAYES. Yes, sir. There is a very large percentage. I would not be able to give you exact figures, but you can take the convention proceedings. If you will follow the A. F. of L. proceedings and those who are delegates to the conventions of the American Federation of Labor know it, you will observe that there is a steady increase in the representatives from the international unions who are also Socialists. Take the miners, just for an illustration, the Miners' organization; a very large percentage of the United Mine Workers to-day are Socialists. That is particularly true in the Middle West, in Ohio, in Indiana, in Illinois. Some of those mining towns are almost solidly Socialist, which is demonstrated by the votes cast in the elections for delegates sent to their national conventions, usually held in Indianapolis. The same is true of the brewery workers, the machinists, and other trades in which there has been steady progress made during the past 6 or 8 or 10 years.

No objection has ever been raised by the Socialist Party. In fact, the Socialist Party, or rather, the Socialist press and the prominent Socialists, who do not happen to be in a position where they themselves can affiliate with the trade-unions, have advised and constantly insisted that the rank and file of

the Socialist membership, where they are eligible, should join the trade-unions and assist in the struggles on the industrial field.

Mr. THOMPSON. Mr. Hayes, you have said that you believe that the American Federation of Labor is the logical leader of the working class in this country?

Mr. HAYES. Yes, sir.

Mr. THOMPSON. And, for that reason, you object to the Industrial Workers of the World, to the Socialist Labor Party, to the American Labor Union, and to any other organization which undertakes to divide the field. Am I correct in that statement?

Mr. HAYES. Yes, sir.

Mr. THOMPSON. Why, then, do you cooperate with the Socialist Party; and what is the reason that these two bodies, the American Federation of Labor and the Socialist Party, are capable of existing side by side and not dividing that field?

Mr. HAYES. I am a member of the trade-union movement because it is the bread-and-butter organization—the movement that meets the problems on the industrial fields. It has been stated by President Gompers that the matter of reducing the hours of labor, raising wages, gaining more decent working conditions in shops, mines, and on the railroads in the country is an absolute necessity and in that I fully agree. But I recognize the limitations of the trade-union movement, and hence I have come to the conclusion that it is absolutely necessary also to give a political expression to the wants and desires of the working class in order to place ourselves in a position of equality in waging the contest for these improvements with the capitalists, who are not only organized industrially but politically, and are in control politically and industrially.

As to the political movement of labor, I recall when some of the ultraconservatives of the American Federation of Labor opposed any and every form of political action, contending then, what the Industrial Workers of the World claim to be possible, that they can accomplish by direct action and without the assistance of governmental weapons, they would achieve—the full product of their toil.

We had, for instance, in the Kansas City convention in 1898, in the Detroit convention, in the Louisville convention, and in other sessions debated those points, and the prominent members and officers of the American Federation of Labor took the position at that time that the labor movement should keep its hands off of political maneuvering in order to gain those advantages.

They would make no political effort whatever except to petition and make a demand here and there for some immediate relief where there was a possibility of obtaining it. But there has been a steady evolution even among those conservatives to the extent that they now operate through what they call a labor representation committee, adopting the name of the Labor Representation Committee of Great Britain. That is merely the name, however. There were, I believe, three individuals selected at a conference in Washington to operate this political policy and to obtain certain objects, whereas in Great Britain the Labor Representation Committee was the formation of the Labor Party, with which, as was brought out yesterday, the Independent Labor Party of which Kier Hardie is one of the prominent spokesmen, is affiliated, and with which the British Socialist Party will undoubtedly affiliate during the next few months, as there is a referendum vote in progress now on that very proposition; so there will be a combination in Great Britain of those three or four parties, including the Fabian Society. And, now, do you want to ask a question?

Mr. THOMPSON. I want to ask you directly. Isn't it the fact to-day that by this affiliation, which you spoke of, that the American Federation of Labor is taking a very direct interest in the legislation affecting the welfare of the workmen of this country?

Mr. HAYES. Yes; that is what I intended to develop—to show that the officers of the American Federation of Labor have advocated political action and the election of members to Congress who are now classified as a "labor group" in a loose manner. Practically every member of the "labor group," however, maintains his adherence and claims he is responsible to his political party, as, for instance, Secretary of Labor Wilson, who made the public statement that he can not and will not be regarded as a "labor representative"—he is a Democratic Congressman. He was elected as a Democrat, and, logi-

cally, affiliated with his party in Congress. He is, however, a labor man. Now there comes the division of the labor movement. The conservative element are inclined to the view that more can be accomplished—having come to the point where they are now willing to engage in political effort—by acting through the old parties in the election of members to Congress, while the radical element, with which I generally affiliate in the American Federation conventions, insist that the only logical, definite, and substantial manner to make progress is through a party that is composed wholly and solely of labor men. That is, we contend that it is essential to be as conscious of our solidarity as workers on the political field as we are on the industrial field; that it is an absurdity, for instance, to make demands upon the industrial field from the employing class and then turn around and elect the representatives—largely attorneys—very frequently of corporations. I am not making the thing at the attorneys generally, but it is nevertheless true that attorneys are in preponderance at Washington.

Now, we make certain demands on the industrial field, and then elect attorneys to Congress and to the State legislatures who are dominated, as has been proven in any number of investigations, by large corporations; and, naturally, understand their class interests much better than the workers understand their when it comes to a crisis, and make it difficult to secure the enactment of fundamental laws and legislation which, for instance, we have been demanding for many years, such as the curbing of the injunction curse in labor controversies, amending the Sherman law, and so on. It is difficult to force those measures through the National Congress or the State legislatures because of the fact that these attorneys and capitalists, manufacturers, merchants, etc., understand their class interests much better than the workers understand their class interests, and hence in every contest where the lines are sharply drawn the capitalists' representatives usually are opposed to the enactment of remedial legislation for labor. In this country we have had a tremendous advantage over the workers in Europe, who were mentioned yesterday. The workers in Europe have had more to contend with than we have had in this country. They have been held in a condition of industrial slavery for centuries, from the feudal state down through the present capitalist condition of industry. The workers in Europe have found class lines drawn against them—the lines of privilege—the church and state were allied against them; and while here we have been practically free, yet the workers are paying absolutely no attention to their political power, so far as going along independent lines are concerned.

Mr. THOMPSON. Mr. Hayes, did I understand you correctly that one of the lines of demarcation between the American Federation of Labor and the Socialist Party is this: That in matters of legislation the American Federation of Labor will affiliate, you say, indiscriminately with any other party if it may be able to carry its purposes, whereas the Socialist Party believes in organizing a party of its own to stand for whatever it advocates?

Mr. HAYES. Yes, sir.

Mr. THOMPSON. Now, in regard to the concrete or present industrial situation, the Socialist Party believes in letting that field lie in the hands of the American Federation of Labor to adjust the present-day working hours, wages, and conditions?

Mr. HAYES. Yes, sir.

Mr. THOMPSON. Whereas they look forward to a program which deals more particularly with the philosophy or theory of what society should be industrially?

Mr. HAYES. In a political sense; yes.

Mr. THOMPSON. That is correct?

Mr. HAYES. Yes.

Mr. THOMPSON. Now, Mr. Hayes, coming down to one or two concrete questions. Mr. Gompers stated yesterday, I think, if I remember it rightly, that the American Federation of Labor would take a stand against the inauguration of an eight-hour workday, or, rather, the limitation of the hours of work, by legislation. In that respect was that his personal opinion or is that the general tendency of the American Federation of Labor on that subject?

Mr. HAYES. Well, it certainly is his personal opinion, because I don't know of any instance, nationally or in any State, where there has been any opposition from the trade-unions against the enactment of an eight-hour law. In fact, it has been the cardinal principle of the American Federation of Labor to demand the enactment of an eight-hour law to comprise not only the workers

directly employed by Uncle Sam but those who are furnishing supplies to the United States Government. We have the same law in States. I do not know but what Mr. Gompers was misunderstood somewhat. That is—

Commissioner O'CONNELL. That certainly could not have been Mr. Gompers's position yesterday. I think Mr. Thompson here had the question—

Mr. HAYES (interrupting). I did not hear him say it.

Commissioner O'CONNELL. Mr. Gompers purely referred to municipal legislation and national which the organization had—

Mr. HAYES. As I understand Mr. Gompers's contention against the enactment of the eight-hour law, it was that he would oppose its application to business as a whole—to private business?

Commissioner O'CONNELL. Yes.

Mr. HAYES. Now, I entirely disagree with Mr. Gompers upon that point. I don't believe there are any considerable number of unions—none, at least, that I can call to mind—that would oppose the general, national, sweeping eight-hour law to comprise every man, woman, and child in the country engaged in the industrial world any more than they would on the minimum-wage question. I don't like to take issue—

Chairman WALSH (interrupting). The matter is a little confused in my mind, so that when Mr. Gompers comes back on the stand he should be asked the question by counsel straight out, and so then we will not need to go into the difference, if any, of the recollection of the commission on the matter. I rather recollect as Mr. O'Connell does, and we will have it straightened out when he comes on the stand. Now, as I take it, the question has been fully answered that Mr. Hayes is in favor of such legislation limiting the hours of labor of the workers wherever it comes from, and that his observation has been that the American Federation of Labor likewise has had that position.

Mr. HAYES. No; the American Federation of Labor has not, to my knowledge, gone on record in favor of a general eight-hour law to be enacted by the National or State Government covering the entire industrial field, but merely so far as it related to employees of the Government—National, State, and local.

Mr. THOMPSON. Is the American Federation of Labor committed to a program of hostility to legislation in favor of the working classes?

Mr. HAYES. No, sir; it is not.

Mr. THOMPSON. As a member of the American Federation of Labor, you would say that the natural tendency of that body would be to sympathize and help the passage of legislation leading to or helping the condition of the working class?

Mr. HAYES. The American Federation of Labor?

Mr. THOMPSON. Yes.

Mr. HAYES. Oh, yes; certainly. The American Federation of Labor has always stood behind anything in the nature of progressive legislation.

Mr. THOMPSON. In other words, in the political field as well as in the industrial field the American Federation of Labor stands for progressive programs, so far as the workingman's interests are concerned; is that correct?

Mr. HAYES. Yes, sir. The only objection I have, it does not go far enough.

Mr. THOMPSON. I understand that. I just want to get the general lines laid down here so the commission may understand it. Now, Mr. Hayes, with reference to the limitations, you say the American Federation of Labor places no limit on the demands that they may make from time to time with reference to wages or hours; or, rather, with reference to getting a larger share or, perhaps, the whole share of the product it produces; is that correct?

Mr. HAYES. Yes, sir. I believe Mr. Gompers expressed the general opinion. In fact, I was very pleased to hear him make that admission.

Mr. THOMPSON. Would not that be the natural position of the American Federation of Labor? It must be that position.

Mr. HAYES. I can not see where they could take any other position where the thing is put up squarely to the membership.

Mr. THOMPSON. Well, wouldn't that be naturally the position of the American Federation of Labor—must be that position?

Mr. HAYES. I do not see where they could take any other position, where it is put up squarely to the membership.

Mr. THOMPSON. Mr. Chairman, I am through with the witness.

Chairman WALSH. Any questions?

Commissioner GARRETSON. Yes; I would like to ask Mr. Hayes a question or two. It may not altogether have a direct bearing on the testimony, Mr. Hayes, but I want to get an understanding myself of a certain phase here because

you take somewhat different ground from any exponent of your faith that I have seen. Bear in mind, I am not, in asking the questions—I am not affiliated with either interests, the A. F. of L. nor the Socialist Party. Do I understand this, from your view point, that you regard the trade-union movement, or in other words, I will narrow it somewhat and say the American Federation of Labor, as the proper form of machinery for realizing such benefits as can be gained for the workers from day to day without waiting for the success of this or that improvement that might be brought about by political action, while at the same time, in your character as a citizen, you believe that the Socialist Party is the proper form of the expression of your legislative beliefs and the means for securing the same? Am I interpreting your meaning right or not?

Mr. HAYES. Substantially. I would like to ask or amplify that to this extent. I regard, as I stated in my opening remarks, the American Federation of Labor has the legitimate, recognized, organized industrial movement on this continent. It is not perfect. My contention is that the American Federation of Labor is broadening from the purely craft or trade form of organization into an industrial form. There are at least a dozen international unions affiliated with the American Federation of Labor that are industrial in their several trades—as the miners, the brewery workers, and other bodies; and, for instance, the machinists only recently broadened out. They are now talking about merging three of the garment working trades—the needle industry—into one complete union. And right on that point I take issue with the accusations made by representatives of the I. W. W., for they laid such particular emphasis upon this point and it appealed in a large measure to many Socialists the country over, and they repeat what is untrue, to the effect that the American Federation of Labor had neglected the so-called common laborers. I happened to have a debate with a representative of the I. W. W. on this subject in Seattle last November, and challenged him to produce the proofs, he having repeated the same accusation. I showed by the records and the figures, which I expected President Gompers to submit to the commission yesterday, but probably he overlooked doing so—that one organization alone, the hod carriers, the building laborers' union, had a larger increase last year in membership—in 1913—than the entire membership of the I. W. W. is to-day. The United Mine Workers and brewery workers include thousands upon thousands of unskilled and so-called common laborers in their ranks.

Commissioner GARRETSON. Then the American Federation of Labor has organized more unskilled workers than the I. W. W.?

Mr. HAYES. Most certainly.

Commissioner GARRETSON. Then on the former question, virtually you, as a citizen, are a Socialist?

Mr. HAYES. Yes, sir.

Commissioner GARRETSON. As a worker you are a trade-unionist?

Mr. HAYES. I am.

Commissioner GARRETSON. Now, one further question I would like to ask your opinion on as tracing the American and the continental socialistic movement. This is purely opinion, Mr. Hayes—

Mr. HAYES. Yes.

Commissioner GARRETSON. In your opinion, is it not true that the continental socialistic and its blended trade-union movements is more a movement of citizens than of workers, on account of the disabilities they labor under as citizens which hamper them as workers?

Mr. HAYES. It doesn't make any difference whether you call a working man a citizen or a citizen a working man; they are one and the same. You can not separate them.

Commissioner GARRETSON. Does he not bear the dual relation—

Mr. HAYES. He does bear a dual relation; yes, sir. As a Socialist he is affiliated with the Social Democratic Party or the Labor Party or the Independent Labor Party, according to whatever country he lives in, and likewise he is required to associate himself with a trade-union.

Commissioner GARRETSON. Well, then, would you not draw the same distinction in regard to him that you did with regard to yourself, that politically he would be a Socialist—

Mr. HAYES (interrupting). Yes, sir.

Commissioner GARRETSON. And in his capacity as worker a trade unionist?

Mr. HAYES. Yes, sir.

Commissioner GARRETSON. So the two would be blended there, as is unnecessary here to a certain degree, would they not—I mean as an absolute necessity for their betterment?

Mr. HAYES. Yes. Each carries out its own functions; they are separate organizations, but there is also a third agency called the cooperative movement. It is a tripartite agreement, practically.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner BALLARD. You say that the A. F. of L. and the Socialist Party both want to take a larger share of labor's production?

Mr. HAYES. Yes, sir.

Commissioner BALLARD. And they want finally to take it all?

Mr. HAYES. Undoubtedly. Wealth should belong to those who produce it, and the workers produce the wealth, and consequently they should own the wealth.

Commissioner BALLARD. As soon as they become sufficiently powerful numerically they would simply take it whether those whom it belongs to wanted to give it up or not?

Mr. HAYES. I am not prepared to say just how they are going to acquire it. If I had my way about it, they would certainly take the railways and the mines and the steel mills and other great monopolies and operate them under control of the Government, and probably we would hire Brother Rockefeller as business agent of the oil division of the Government, or Judge Gary as manager of the steel department; but they would have to be workers.

Commissioner BALLARD. In other words, you would put men in charge of the different departments who you thought could handle those departments, no matter what their previous condition had been?

Mr. HAYES. Oh, yes; they are superintendents.

Commissioner BALLARD. I gather from the I. W. W. that they want to do the same thing, except they would resort to force immediately to take it as soon as they felt they could, and the Socialist Party does not propose quite that just yet?

Mr. HAYES. The Socialist Party believes in organizing and working that out politically, in order to secure control of the lawmaking machinery, and doing it legally; and the I. W. W., as I understand it, expects to accomplish it by so-called direct and mass action. I do not hanker for that sort of propaganda, because it would necessarily injure the working mass—millions of individuals.

Commissioner BALLARD. That is all, Mr. Hayes.

Mr. HAYES. There is just one point, Mr. Chairman, on which I would like to say something.

Chairman WALSH. Very well. You may state it, but be very brief.

Mr. HAYES. Yes; it will take but two or three minutes. That was with reference to the discussion here yesterday about minimum wage. The minimum-wage proposition has never been acted upon authoritatively by the American Federation of Labor. I do not believe with President Gompers that the American Federation of Labor—though he probably has a right to speak for the American Federation of Labor, while I have not, except as a member—is committed against the minimum wage—a general minimum wage. There has never been any discussion upon that point upon the floor of the American Federation of Labor. There has never been, to my knowledge, any discussion of the question of a general minimum-wage law in any convention of an international union in this country. The matter has been up for discussion in State conventions and in local bodies.

For example, in the State of Ohio at the constitutional convention in 1912 a minimum-wage amendment was submitted to a referendum vote. It received the support of the labor men in that constitutional convention—Socialists and trade-unionists—about a dozen in the convention. From there it went to the people of the State and it was indorsed. The minimum-wage proposition, the amendment to the constitution of the State of Ohio, was indorsed generally by organized labor of that State. When it came to the matter of the election it was carried by an overwhelming majority. There is a movement on foot at this time in the State of Ohio to secure the enactment of a minimum-wage law, but not on a basis prescribing \$3 or \$3.50 or \$4 as a minimum wage, but the effort is to enact a law in line with the constitutional provisions requiring the appointment of a commission to examine four times a year, every quarter, the living conditions that exist in the larger cities. They have to consider the cost of living so far as paying rent for a six or seven room house, clothing, food, and other immediate necessities, and then basing the minimum wage upon that cost of existence, whether it be \$3 or \$5 or \$10 a day, that wage will have to

be paid, if the law is passed which is now being initiated and will be submitted to a referendum vote in the next year or two, and undoubtedly other States will copy it, as they have our workmen's compensation law. By the way, there is another point I want to touch upon in just a few words. That workmen's compensation law was arranged and prepared by a brother Socialist, Harry D. Thomas. He has since died, but he was probably more thoroughly acquainted with the legislation pertaining to labor laws and to a compensation law, as he had made a study of that and himself prepared the data and submitted it to an attorney in sympathy with the idea who went to the legislature, where it was adopted, and it was likewise adopted as an amendment to the constitution, and afterwards formulated again into a law. So much for the charges that the Socialists are inactive in the matter of securing legislation for the betterment of the workers to-day, to-morrow, and the next day. We are always at it.

Chairman WALSH. That is all, is it, Mr. Hayes?

Mr. HAYES. That is all I have to submit.

Commissioner BALLARD. Just one moment; you are in favor of Government ownership of public utilities, as I gather—railways and other public utilities?

Mr. HAYES. Yes, sir.

Commissioner BALLARD. Well, in the experience of those States where that has been done, do you feel that the administration has been better done than where it is in the hands of private corporations?

Mr. HAYES. I believe so, all things considered. Germany's railways are Government owned and operated, and they have been cited as an example, but those opposing contend that they are not a betterment. But when you take into consideration the fact that they were originally seized in order to beat back the rising tide of socialism, and are operated by people who are opposed to socialism, you will realize that there can be very many economies introduced even now that they refuse to take cognizance of. They are military roads, as a matter of fact. I might cite other examples of railways, but I may conclude by citing to the point that was amplified by Mr. Mellen in his examination in Washington the other day that it is either a case of monopoly or Government-owned railways, and I prefer Government ownership rather than monopolies. That is all.

Commissioner LENNON. Mr. Hayes, do you believe that the application of the principles of Socialism would solve finally the problem of the distribution of wealth, or is it a step in the evolutionary progress of the race?

Mr. HAYES. Oh, it is a step, of course. The next step in our evolution as a race, in precisely the same manner as, centuries ago, we had the condition of slavery; then we evolved into feudalism, then into capitalism; now we are going into socialism, and I might say on that point that 10 years ago, when we discussed socialism, many people confounded and confused us with anarchists and bomb-throwers, while to-day we have reached the point where we are almost respectable. Everybody thinks they know something about socialism, and perhaps they are becoming a little socialistic themselves. So that when my friend Gompers tries to ridicule the socialist movement he had better be careful, because he doesn't know what will happen in the next 10 years. He accuses the Socialists of having purloined some of the demands of the trade-unions. He might have said that the Bull Moose stole some political planks from the Socialists; the Democrats stole some, and probably the old mossback Republican Party may have grabbed a few of those planks. One thing they won't steal, and that is the collective-ownership plan.

Chairman WALSH. I am very much obliged to you, Mr. Hayes.

Mr. THOMPSON. I would suggest, as you know, that Mr. Gordon has some of the same information as that of President Gompers. We do not want to duplicate, so that we should get the three witnesses who lead the discussion as it were, and give them as much time as possible before 12 o'clock. I would like to have given them half an hour on a side, or 20 minutes on a side, but the time is getting short.

TESTIMONY OF MR. F. G. R. GORDON.

Mr. THOMPSON. Will you please state your name, residence, and your business?

Mr. GORDON. F. G. R. Gordon, Haverhill, Mass.

Mr. THOMPSON. What is your position?

Mr. GORDON. I am a journalist at the present time.

Mr. THOMPSON. What paper are you connected with?

Mr. GORDON. One of the papers in Haverhill, and I am a writer upon economic subjects.

Mr. THOMPSON. Mr. Gordon, you have been here for the last three days, I believe, all the time?

Mr. GORDON. Yes, sir.

Mr. THOMPSON. And have heard the expression of views of Mr. Morris Hillquit and Mr. Samuel Gompers and Mr. St. John, who have expressed the views of the American Federation of Labor, the Socialist Party, and the Industrial Workers of the World, have you not?

Mr. GORDON. Yes, sir.

Mr. THOMPSON. What have you to say different from that which has already been offered in reference to those matters?

Mr. GORDON. Mr. Thompson, we have tried out, in a general way, this problem of industrial unionism, or the one big union, as it is called. We have tried that out several times, and it made a most miserable failure; tried it out with the help of the Socialist movement of France, where it has been a failure; tried it out in this country with the Knights of Labor, in the first instance, and the American Railway Union, the American Labor Union, the Industrial Workers of the World, and they have all been a failure.

As for the Socialist movement—

Mr. THOMPSON. Just a moment. I would like to ask you what you have to say in reference to the statement of Mr. Hayes, who was just on the stand, that in the hod carriers alone the American Federation of Labor has organized last year, in the year 1913, more unskilled laborers than are in the Industrial Workers of the World, and that among the brewery workers and others the American Federation of Labor have successfully organized thousands upon thousands of unskilled laborers. If that is true, how do you compare it with the statement that you have just made that it is a failure?

Mr. GORDON. The organization of the hod carriers is to organize, or the building laborers, is practically the organization of a trade of one industry itself. It is not like the old Knights of Labor, the organization of everybody and everything into one organization; but it is an organization that looks after its particular interests and is affiliated with the American Federation of Labor because it seeks aid from them and in return gives aid to them. A federation of unions under the scope and plan of the American Federation of Labor, and entirely different from this other world-saving scheme of the I. W. W.'s and the Socialists of the world. I think that it is correct to say that every leading Socialist upon the face of the globe agrees that State socialism is State slavery. I don't know of any leading Socialist that wants State socialism. They all want a social democracy, and that is an utter impossibility. There never has been over two great attempts to establish it, and both of them have been a failure. I refer to the ancient Mir of Russia and the New England town meeting system upon a political scale; so far as the law goes, they have been absolutely political democracy. So far as the operation goes—that is, the everyday annual practice of those meetings—they are guided and dominated and ruled by less than 10 per cent of the population who live in their respective communities. And that is the history the world over; and that is the history of the Socialist parties the world over to-day. They too are dominated; they have a democracy in theory, but they are guided, dominated, and bossed just the same as the two old parties of this country, and just as much as the conservative parties throughout the world.

So that if that is true, and it is true, then socialism leads to a system of State slavery, which certainly is not what the working class want, and I do not believe anybody else wants it.

Furthermore, the Socialists are holding out a delusive opinion to the wage-working element of this country, because they assert and maintain their platform, and the representatives of that movement maintained before this commission that society in this and every other country was divided into capitalists and wage earners. That is what the platform says; that is what the platform of the Socialist Party says, which you will find on page 351 of Mr. Morris Hillquit's book on the history of socialism in America. You will find also in the platform, in Mr. Benson's book, *The Truth About Socialism*, in the appendix, the platform of the Socialist Party adopted in 1912, in which it declares, practically declares, that the tendency is for the elimination and destruction of the middle class and the dividing of society into two classes, and, along with that, so long as this system exists, we are having an increase of pauperism and increase of misery of every kind, an increase of child labor, and

all that sort of thing. Now, that is not true, Mr. Thompson, at all. There are no blue books in any industrial nation to prove that that is true. On the contrary, the industrial reports of every industrial nation upon the face of this globe absolutely disprove that contention and that philosophy of the Socialist movement.

In the first place, in this country the wage earners, the proletarian army, so called, is in the vast minority. If every man in 1912, every man that they class as such, had voted for Mr. Debs, he couldn't possibly have carried over 12 States out of 48.

Furthermore, even if they were in the majority, it is easy to show that they could not carry the country then, because they are concentrated into the great industrial States of this country, and those great industrial States are only 12 in number. It is easy enough for any man who stops to think about it to know that the manufacturing industries, textile, iron and steel, or any of that sort, are concentrated into a comparatively few States in this country. With 24 Senators—suppose they could elect them—and they could not possibly elect them in my judgment, but they could not enact legislation if they have 24 Senators out of 96.

They are fooling away the time of the working class and themselves and are trying to fool everybody else. They say the cure for the evils of the present democracy is more democracy. That is the same thing as if you have a bad cold and want to get rid of it and you should go out and catch the typhoid fever.

Then they say that these immediate demands which they are asking for, which are largely identical with the demands of the American Federation of Labor, really do not amount to anything, and in one of their platforms they warn the working classes against the public ownership of public utilities, because they say that under that scheme the capitalists will simply concentrate their power to extract more profits from the public and concentrate themselves in power.

Now, along with this they say that child labor is increasing, and this is not true. In 1880 in the manufacturing establishments of this country there were 181,000 children under 16 years of age employed. If you will look at the census of 1910, you will find out that there were 161,000, 20,000 less than there were in 1880, although we have got more than 2,000,000 more people employed in the manufacturing industry.

Pauperism is not increasing. Relatively, in this country it is decreasing. The middle class, instead of decreasing, is enormously increasing. It is growing faster than the population. When they talk about the concentration of industry I recall that they said 12 years ago, and even later than that, that the farming industry of this country was to be concentrated and that the future of farming was to be carried upon the bonanza scale. And they circulated all over this country a book, "The Cooperative Commonwealth." I just want to mention one fact, that a few years later the same author of that book wrote another Socialist book in which he devoted another chapter to this farm question, in which he acknowledged that he had been mistaken and that the so-called science of the Socialist Party was a myth and a dream and that instead of farming being carried on on the bonanza scale it was to be carried on in an intensified manner, and that instead of the farms growing larger they were growing smaller.

And, in that connection, let me tell you that during the past 10 years, or the last decade, the census shows that the farmers' property of this country increased about 117 per cent, and that the farmers' property at the present time is forty-two billions of dollars, one-third of all the wealth of this country is owned by the farmers in farm values. And when Mr. Hillquit talks about the social ownership of the tools, there never was a time in the history of any industrial country when so many people had a share, owned stocks and bonds in one form or another, in the tools of production as there is at the present time. Why? In 1901, or rather, in 1900, so far as can be estimated by the investigators, the great iron and steel industry was owned by 55,000 people. Today one of those corporations engaged in the iron and steel industry, one of 416 corporations engaged in the iron and steel industry, have 130,000 stockholders, 130,000 owners, of whom some 40,000 are wage earners, also in that same establishment. Every single line of industry in this country shows the same tendency. Seventy-two railroads have increased—

Mr. THOMPSON. May I interrupt you?

Mr. GORDON. Yes, sir.

Mr. THOMPSON. The time is growing short, and I would like to ask you two questions, and have you, if you will, make short answers.

Mr. GORDON. All right.

Mr. THOMPSON. The time is growing very late. In reference to the forms of industrial unions, of which you have spoken, is not the United Mine Workers an example of industrial unionism, or one straight union, on the line of the Industrial Workers of the World?

Mr. GORDON. On the line of organizing one industry?

Mr. THOMPSON. Yes.

Mr. GORDON. In one union?

Mr. THOMPSON. Yes, sir.

Mr. GORDON. It certainly is.

Chairman WALSH. What other question?

Mr. THOMPSON. In reference to the question of the social democracy proposition, you speak about the fact that the Socialist Party is controlled, as all other parties were, and as all other organizations in the past have been, by a small percentage. I take it, you mean, that is true naturally of every organization of men?

Mr. GORDON. Yes, sir.

Mr. THOMPSON. Of the American Federation of Labor?

Mr. GORDON. Everywhere.

Mr. THOMPSON. That is all. I am very sorry we could not have heard you at greater length. Perhaps when we go to Boston we will impose upon you again.

We will take up the matter now as originally outlined, the rebuttal will proceed, as follows:

Mr. Hillquit, Mr. St. John, and Mr. Gompers. Inasmuch as the time is limited, why, each gentleman will be limited to 20 minutes.

I was going to say that they can go along and be not interrupted by any questions; and if they get through with what they wish to volunteer in the 20 minutes some of the commissioners have some questions. I will call Mr. Hillquit.

TESTIMONY OF MR. MORRIS HILLQUIT—Recalled.

Chairman WALSH. You may proceed, Mr. Hillquit, and answer anything you see fit within the time limit; answer any part of what has gone before in the testimony of Mr. Gompers or Mr. St. John.

Mr. HILLQUIT. Within 20 minutes. That being the case, I shall not attempt an elaborate answer to all the statistical information of Mr. Gordon. I may merely call attention to this fact, that the objection he finds to the Socialist Party is an objection, not against socialism, but against democracy generally.

I would also call your attention to the fact that I find it somewhat strange that Mr. Gordon, who has been aiding here Mr. Gompers at the inquiry, should hold such utterly reactionary views; and to the fact that if his statements were true, and if conditions were improving so wonderfully well all along the line, and particularly with the working class, that there is very little reason left for the American Federation of Labor, or for the Socialist Party, or for any other kind of radical or reform organization.

I know Mr. Gordon has been a member of the Socialist Party many years ago; I know that, as far as he is concerned, the socialist movement has proved a failure, which I regret.

I desire to answer two questions raised by Mr. Gompers in his testimony, one with reference to the character of compensation act which the Socialists in the city of New York drafted and prepared some years ago. Mr. Gompers' statement was to the effect that it contained a demand for the appointment of a Socialist as member of the proposed commission and also for an appropriation of \$1,000,000 by the State of New York. The draft in question was not of Socialist authorship exclusively. It was prepared by the Socialists in conjunction with representatives of the labor organizations of the greater city of New York; that is, the organizations of the American Federation of Labor in that city. And when adopted it represented the local sentiment of the American Federation of Labor, as well as that of the Socialists. It made no requirement to have a Socialist appointed on the commission. It did, on the contrary, however, contain a requirement to the effect that the commission be largely composed of accredited representatives of organized labor. As to the

million-dollar appropriation, I don't recall it; but I may say that if it provided for the sum of \$1,000,000 to be appropriated by the State of New York for the purpose of organizing a proper machinery on the basis of a workmen's compensation or system the demand was exceedingly modest. The State of New York, with its population of 10,000,000 or more; the State of New York, which appropriates \$60,000,000 for improvement of canals and to help the trade along, should consider it but a mere pittance to allow \$1,000,000 to save the lives and limbs of its one million and a half industrial employees, and Mr. Gompers, I believe, should be the last man in the world to find it exorbitant. Mr. Gompers has also stated that the Socialist Representative in Congress, Victor L. Berger, had voted to sustain the veto power of the President of the United States. That statement I wish to deny here. The Socialist Party directly requires by its platform the abolition of the Senate and of the veto power of the President. Of course, the question of sustaining the veto power of the President never came up in Congress. What Mr. Gompers is pleased to construe as such a vote was, no doubt, a vote or votes on two measures which Mr. Berger considered reactionary and opposed to the best interests of the workers. He voted against the measure. The President of the United States happened to share his conception of it and vetoed the bills after the majority had voted in their favor. The bills then came up for a second time, and they were still as reactionary and as bad as ever, and Mr. Berger still consistently voted against them. And that is all there is to his voting to support or maintain the veto power of the United States President.

This by way of rebuttal, and now I shall say a few words by way of summary of the relations of the Socialist movement to the American Federation of Labor as I understand it. Since the method of mutual cross-examination has brought out a good deal, but not all the conclusions, I shall say this briefly. First of all, the matter, it seems to me, is one of very large social importance. The American Federation of Labor and all other organized workers within or outside of the federation represented about 3,000,000 persons. The Socialist Party at the last presidential election polled short of 1,000,000 votes. We may legitimately assume that for every male voter there is a female nonvoter Socialist sympathizer, and, taking the men and women voters and nonvoters, we will probably conservatively estimate the number of persons in the United States who support the Socialist philosophy and Socialist program to be likewise 3,000,000. The relation between those two powerful factors in the industrial and political world seems to me of importance, and I wish to state, first of all, for the benefit of the commission and the public at large, and the working class particularly, that, whether for good or for evil, the Socialist movement and the labor movement, the organized economic labor movement, must be considered ultimately as one. One of the same conditions, having consciously or unconsciously the same aims and objects and leading to the same result. The Socialist movement originated very largely in an effort to secure to the workers the full product of their labor, and by the same token to deprive the idlers of their unearned part of the general national product. It stands, then, for the nationalization of industries, for the collective ownership of means of operating those industries.

The labor movement, it appears very evidently from Mr. Gompers's statement, stands likewise for an ever increasing share of the product to be given to the workers; for an ever decreasing share of the product to be left to the nonworkers, and Mr. Gompers admitted that this process has no limitation and will not stop before the entire product of the work is turned over to the working class as a whole. Thus, you see, substantially and ultimately the two movements stand for the same thing. The distinction may be one of the degree of consciousness. The Socialists proceed upon a general social philosophy. They have thought out the thing; they ask themselves where does it lead to; they have drawn their conclusions and formulated them in the Socialist program. The trade-union movement, properly, as Mr. Gompers himself stated, is not concerned much with elements of social philosophies. It works for practically the immediate ends, but those ends lead eventually to the same port. There is also no great merit in the distinction between political and economic functions. Economic functions—we name economic functions so because they are confined to small scopes; the same functions become political functions when they are expended. The demand to abolish child labor in a certain shop or a complexity of shops, or to introduce an eight-hour work-day in a certain shop or in a number of shops, is economic and considered so in its functions. The same demands stated broadly for an entire industry or

an entire division of the working class, and being formulated by way of legal enactment, becomes political action. And it is just because the Socialists stand for the larger aspect of the movement or have it in view that the activity is more political, and it is because the labor unions, while standing on the same basis, do not have the larger vision that they consider their activity primarily economic. As a matter of fact, as to the ultimate result, the two do not differ much from each other. I make that statement to avert the misunderstanding as to the attitude of the social movement and of the Socialist Party toward the American Federation of Labor.

What Mr. Hayes stated is not his individual view; it is the view of the Socialist Party at large. The Socialist Party is absolutely committed to a policy of friendship to organized labor, and unequivocally recognizes the American Federation of Labor to-day as the main representative of organized labor. The little tilt I had the pleasure to have with my friend Mr. Gompers was very largely individual and directed not against the American Federation of Labor, but against certain conceptions and policies of the present leadership of the American Federation of Labor. The attitude of the Socialist Party to the American Federation of Labor as such, as distinguished from its leadership, is absolutely friendly, and the criticism which is charged to me, directed against its present leadership, is also of a purely friendly nature.

I will mention briefly these criticisms. In the first place, the Socialists believe that the present management or leadership of the American Federation of Labor fail to recognize the drift and trend toward industrialism in organization. Now, mind you, we don't say that the American Federation of Labor is not developing in that direction. It is. But what we do say is that the development is not aided consciously by its leaders, because the leaders fail to understand the importance of it. The present leaders of the American Federation of Labor fail to see that industrial conditions to-day are not what they were in 1881 when the present federation or its predecessor was organized.

Mr. Gompers placidly told here on the stand that the American Federation of Labor had originally adopted a plan and system of absolute autonomy of trades and had rigidly adhered to it. If it actually had, it would not be a subject for praise, but one for severe criticism, because industrial development has not been still within the last 30 years. Industries to-day are more inter-related, more interwoven, more organically connected than they were in 1881, and if the workers are to keep pace with them and be in a position to meet their employers in the higher organization, they must organize accordingly. The example cited by Mr. Gompers, the State organizations and State autonomy, and the Federal Government of the United States, does not apply at all. That is purely political. An industry can not be so separated from another clearly as one State may be separated geographically and arbitrarily from another. Now, we recognize, however, that the American Federation of Labor is tending toward very great industrial organizations. We fully approve of the report which Mr. Gompers offered in evidence here before the commission and favors extension of industrialism within the American Federation of Labor. We only wish that the leaders of the federation had been clear-sighted enough to see the tendency and to cooperate with it and help it along more actively.

Another point of criticism, and mild criticism again that we have is this, that the American Federation of Labor does not seem to understand the significance of the agitation which has assumed the name I. W. W., Industrial Workers of the World, and here I want to make this statement: The Socialist Party has no sympathy with the methods of the Industrial Workers of the World, none whatsoever. You have heard the testimony of the representatives. We regard their methods as absolutely ineffective, as childishly inadequate. But the Industrial Workers of the World mean more than 14,000 men organized in Mr. St. John's organization. It means a certain new spirit in the American labor movement. It means Lawrence, it means Patersons. It means Little Falls, it means McKeesport Rock. It means this new phase of the labor movement which has risen within the last few years. How are we to account for it? How does the American Federation of Labor account for it? It is not a mere incident. There must be some cause underlying it. Now, the Socialists claim—what is the cause? Nothing is produced without causes. The causes are briefly stated as follows:

First, the machine industry has made skilled labor a less and less important factor, and unskilled labor a more important factor in this country. It has produced a different type of emigrants who have come here by millions, who

have no right of citizenship, and who are unorganized; who are poor beyond description, and who have no means of civilized resistance or warfare. It has created a new class within the working class, and new conditions, and it has led to the spontaneous organized and frequent violent outbursts which we have designated by the general name I. W. W. revolts. These revolts are not explained by the labor name I. W. W. They represent a new phase in the labor movement, and the American Federation of Labor should have taken cognizance of it, or the leadership should have taken cognizance by making more strenuous efforts—they have made honest efforts, I admit—but more strenuous efforts to organize these men and to acclimatize them, and, if you want, to Americanize them and make them part and parcel of the American labor movement.

On the question of politics Mr. Hayes has said a good deal, and, in view of my limited time, I shall not take it up.

Chairman WALSH. You have two minutes.

Mr. HILLQUIT. Then I shall say a few words on another subject of criticism, and that is the relation of the American Federation of Labor to the Civic Federation. The Civic Federation is an organization instituted by employers for the purpose principally and primarily of deadening the aggressive spirit of the American labor movement, and we think it is succeeding marvelously. Mr. Gompers has stated here that the American Civic Federation has no membership and he is not a member of it. Since he is to follow me, I should like him to answer these few questions:

First. If the National Civic Federation has no membership, and anyone who happens to come in has a voice in the choice of officers, would it be permissible, say, for me and a hundred of my Socialist friends to go to the next meeting and have a vote in the election of officials? If they were, we might be tempted to try it.

Second. If the American Civic Federation has no membership, it has, presumably, no dues. It maintains a labor office. It pays salaries to a secretary and a large staff of various workers. It has various departments. It spends very large sums of money. One of the features of its activities is a very lavish annual banquet. I should like to know, Mr. Gompers, how that money comes. Does the American Federation of Labor contribute any part to it, and if it does not, who does? And if it is all contributed by our capitalists and friends in the National Civic Federation I should like Mr. Gompers to say whether, in his opinion, such contributions are made solely and single-mindedly for the benefit of the workers.

Chairman WALSH. Call your next witness, Mr. Thompson.

TESTIMONY OF MR. VINCENT ST. JOHN—Recalled.

Chairman WALSH. If there is any statement you would like to volunteer in your rebuttal of what has been said by anyone else, or any further explanation that you desire to make in the time limit, I believe you heard it.

Mr. ST. JOHN. Well, Mr. Chairman, I do not care to take up any time in making a statement, in order to amplify anything that I have said. All I care to do at this time is simply to offer to the commission this printed matter here for your use, if you want it—pamphlets and literature and a stenographic report which was promised you by Mr. Ector, and other matters.

(Mr. St. John at this point submitted the following printed matter: "Songs to Fan the Flames of Discontent," published by The Industrial Worker, Spokane, Wash.; "Eleven Blind Leaders, or 'Practical Socialism' and 'Revolutionary Tactics,'" by B. H. Williams, publisher, Press of the I. W. W. Publishing Bureau, New Castle, Pa.; "On the Firing Line," published by The Industrial Worker, Spokane, Wash.; "Appeal to Wage Workers, Men and Women," by E. S. Nelson, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "The Trial of a New Society," by Justus Ebert, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "Twenty-four Cartoons of Mr. Block," by Ernest Riehe, published by Block Supply Co., Minneapolis, Minn.; "The Farm Laborer and the City Worker, a Message to Both," by Edward McDonald, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "One Big Union in the Textile Industry," by Ewald Roettgen, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "Getting Recognition, What It Means to a Union," by A. M. Striton, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "Union Seabs and Others," by Oscar Ameringer, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "Two Kinds of Unionism," by Edward Hammond, published by I.

W. W. Publishing Bureau, Cleveland, Ohio; "Political Parties and the I. W. W.," by Vincent St. John, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "Is the I. W. W. Anti-Political?" by Justus Ebert, published by I. W. W. Publishing Bureau, Cleveland, Ohio; "Industrial Unionism, the Road to Freedom," by Joseph J. Ettor, and "Stenographic Report of the Eighth Annual Convention of the Industrial Workers of the World, Chicago, Ill., September 15-20, 1913," published by the I. W. W. Publishing Bureau, Cleveland, Ohio.)

Chairman WALSH. They speak for themselves?

Mr. ST. JOHN. Yes, sir.

Chairman WALSH. Very much obliged to you. Thank you. Now, then, I would like to divide this time that is left here between Mr. Hillquit and Mr. Gompers and, inasmuch as Mr. Gompers has the close of the debate, Mr. Hillquit may resume the stand, and, after he is through, Mr. Garretson is very anxious to ask him a question. Now, you have consumed 20 minutes already, and the 20 minutes left by Mr. St. John's retirement will be divided between you, so that you may have 10 minutes more and then Mr. Gompers will have 30 minutes instead of 20.

Mr. HILLQUIT. I should, of course, if the commission would not object to it, like to have a chance of using those 10 minutes after I have heard Mr. Gompers. There may be some questions to which I would like to reply.

Chairman WALSH. There may be some criticism of that, because the committee on public hearings fixed the debate in this way, and I would not like to interfere.

Mr. HILLQUIT. Very well. I will answer questions.

TESTIMONY OF MR. MORRIS HILLQUIT—Recalled.

Commissioner GARRETSON. There has been one point that has not been brought out here at all from the standpoint of the Socialists that I would like expression on. What is the attitude of the Socialists—you can answer that either as a party or individual, because it is one you may have made no declaration upon, your party. Toward the means of economizing industrial waste caused by strikes, do you look on the Erdman Act—I am citing the only Federal enactment—as a desirable means of settlement of labor difficulties?

Mr. HILLQUIT. The Socialist Party has not expressed itself on this subject, as you state. The Socialist Party on the whole regards a strike as a necessary and inevitable evil—an evil inherent in the present system and which no amount of legislation can curb or change. In other words, we believe that there is a case where they would agree with Mr. Gompers and say "Beware of the Greeks bearing gifts," if the legislature were to enact or offer to enact any measure tending to prevent strikes and offering another method of settlement, for what it might mean would be that whereas the workers in well organized industries to-day have that last resort, the strike, by which they may enforce the demands, such weapon may be taken away from them by legislative enactment.

Commissioner GARRETSON. You are aware of the origin of the Erdman Act?

Mr. HILLQUIT. Not well.

Commissioner GARRETSON. I will say here that the Erdman Act was passed to its original adoption largely by the railway organizations?

Mr. HILLQUIT. Yes.

Commissioner GARRETSON. Now, you are familiar—but do you regard a purely voluntary settlement as represented by that act as a desirable agency for the minimizing—bearing in mind your views as expressed with regard to the strike is exactly my own—but do you recognize it is desirable to minimize the times when it becomes an absolute necessity?

Mr. HILLQUIT. Yes; if it can be done without sacrifice to the workers.

Commissioner GARRETSON. Or without pressure?

Mr. HILLQUIT. Without pressure and without sacrifice of the interests of the workers. I would, of course, prefer, as a rule, to avoid strikes rather than to incur strikes.

Commissioner GARRETSON. You are also familiar with the successor of the Erdman Act, the Newlands Act?

Mr. HILLQUIT. In a general way.

Commissioner GARRETSON. Are you familiar with the terms that led up to its adoption?

Mr. HILLQUIT. I am not.

Commissioner GARRETSON. Its passage?

Mr. HILLQUIT. I am not.

Commissioner GARRETSON. You don't know what function the Civic Federation performed in that.

Mr. HILLQUIT. I do not.

Commissioner GARRETSON. I am not on the witness stand.

Mr. HILLQUIT. No. But there is only one point, Mr. Garretson, in which again I would like to quote my friend Gompers with reference to the Civic Federation. I would say "Beware of the Greeks bearing gifts."

Commissioner O'CONNELL. In the closing paragraph of instructions on which this commission is created it reads: "The commission shall seek to discover the underlying cause of dissatisfaction in the industrial situation and report its conclusions." If you were a member of this commission, what would you recommend, in your opinion, the industrial condition of unrest, the cause for it?

Mr. HILLQUIT. That would be an exceedingly easy task for me. I think the national platform of the Socialist Party gives both a statement of the causes and the ultimate remedy and the immediate remedy applicable to it to-day.

Commissioner O'CONNELL. What would be the immediate remedy?

Mr. HILLQUIT. The immediate remedy would be the adoption of these various planks in the platform of the Socialist Party which I yesterday had the pleasure of reading to Mr. Gompers, and which he gave assent in practically all cases. That would be the immediate measure.

Commissioner O'CONNELL. What would you assign as the cause of industrial unrest?

Mr. HILLQUIT. Private ownership of the tools of the production of the things which all men need to sustain their lives.

Chairman WALSH. Now, I have a couple of questions I am going to submit to you and ask you if you will give them some sort of answer in writing.

Mr. HILLQUIT. Yes, sir.

Chairman WALSH. We will give it whatever publication we can, but I will ask you to give it some thought, and I will ask you to hand it in. In addition to the interests of the capitalists and the workers, tending to range them in opposition to each other, is there not a sense of justice existing in some minds that define them to act without regard to class interests; and, second, is—are there any prominent capitalists in the Socialist Party?

Mr. HILLQUIT. Yes; the answer to both is "Yes." It does not require study, that, because I have had it asked several times.

Chairman WALSH. Very well; that is all, then.

TESTIMONY OF MR. SAMUEL GOMPERS—Recalled.

Chairman WALSH. I know you heard the announcement here, but Mr. O'Connell had one question that he told me he desired to ask you to straighten out what might have been a misunderstanding here before you came in—a question that was asked by Commissioner O'Connell. Mr. Thompson asked Mr. Hayes, who was on the stand, as to the position of the Socialist Party on the question of general legislation in the matter of a general eight-hour workday, quoting you as saying that you were opposed to that kind of legislation. I was under the impression that you had not been properly quoted, or that your position was misunderstood in the matter.

Mr. GOMPERS. It is not unusual for me to be misrepresented and misquoted.

Commissioner O'CONNELL. Mr. Gompers, I don't mean to indicate that Commissioner Thompson—

Mr. GOMPERS (interrupting). I am not speaking of Commissioner Thompson. I am speaking of the general fact that whenever—

Commissioner O'CONNELL. In order that we may get the record straight on that—

Mr. GOMPERS (continuing). Whenever any utterance is made by me that may be a declaration of a principle or a purpose with which the Socialists differ, they have no hesitancy to misrepresent and misquote me. On the contrary, the very emphasis which I may give to any particular point will simply be distorted again in order that the misrepresentation may be continued. On this subject of an eight-hour law I have said and have worked to the accomplishment of the thought for the eight-hour workday by law for all employees of the Government, whether National, State, or municipal, and for all employees of contractors or subcontractors who do Government work—an eight-hour day for all Government employees, because the Government is then the employer. The

eight-hour day for minors and for women workers. But I am opposed to the statutory fixing of the hours of labor for men, and gave the historic achievements of the working people of the United States, true only partially, but yet the achievements secured by the workmen through their own initiative, through their own collective action, or by agreement with employers. Now, in the limited time at my disposal, unless any further questions are asked me, I should like to take cognizance of some things that have been said. First, the construction placed by Mr. Hillquit upon the statement which I made in answer to one of his questions as to membership in the Civic Federation. I omitted to say "dues paid membership." Answering his question of this morning, I should say that the National Civic Federation exists by the voluntary contributions of those who agree to contribute in furtherance of any thought or purpose that they may have in mind. I want to call your attention to the studied effort of Mr. Hillquit to call that association the American Civic Federation, with the avowed effort frequently made and declared by the Socialists, and as evidenced by his questions to me upon cross-examination, to confuse the name and the fact of the American Federation of Labor with the National Civic Federation, and using the term as the associates of Mr. Hillquit so frequently use—they often refer to the American Federation of Labor by the supposed title of the American Civic Federation of Labor. The difference is between practice and pretense. The pussy-footed Socialist, Mr. Hillquit, before this commission is not the same kind of Socialist before the world.

It may not take a man five minutes to ask questions which it would take hours, and sometimes weeks, to answer. The charge of criminality against an individual may take months to disprove. That there may be no question on this matter let me quote from Mr. Morris Hillquit, member of the executive committee of the Socialist Party, one of its ablest and most sophisticated exponents, and of high standing in this country. In the Metropolitan Magazine for July, 1912, he says:

"Stated in more concrete terms, the Socialist program requires the public or collective ownership and operation of the principal instruments and agencies for the production and distribution of wealth. The land, mines, railroads, steamboats, telegraph and telephone lines, mills, factories, and modern machinery. This is the main program, and the ultimate aim of the whole Socialist movement, the political creed of all Socialists. It is the unflinching test of Socialist adherence, and admits of no limitation, extension, or variation. Whoever accepts this program is a Socialist; whoever does not, is not."

In fact, in all their platforms, immediately following their so-called social-reform program, will appear the frank avowal quoted below, this one being taken from the platform of the national Socialist convention in Indianapolis, in June, 1912:

"Such measures of relief as we may be able to force from capitalism are but a preparation of the workers to seize the whole powers of government in order that they may thereby lay hold of the whole system of socialized industry and thus come to their rightful inheritance."

Mr. Chairman, I have here a number of quotations which I should like to have incorporated as a part of my statement, which I do not care at this time to read in my time.

Chairman WALSH. Very good. Just give them to the stenographer, and they will be identified and put in as part of your statement.

(The quotations referred to by Mr. Gompers are from an article by him published in the Metropolitan Magazine for July, 1912, and are as follows:)

"That the Socialist Party has no use for social reform was well stated by Kehr Hardle at the recent annual conference of the Independent Labor Party of England, which is the title of the Socialist Party in that country, when he declared:

"The Independent Labor Party is not a reform organization. It is revolutionary in the fullest sense of the word. The party does not exist to patch up the existing order of society and make it a little more tolerable, but to overthrow the existing order and build up a socialist state."

"That they decided to throw off all pretense for reform and come out boldly for revolution is well shown by Charles Edward Russell, the Socialist candidate for governor of New York, in a political speech made on Saturday evening, September 7, 1912. In referring at that time to the social reforms included in the platform of the Progressive Party, he said that he wanted it distinctly understood that they had no interest in them. He added:

"Some gentlemen in this campaign believe that two or three fragments of the Socialist program, with a few worn-out remedial laws, will spike the Socialist guns. They have jimmed the back door of the Socialist house, have stolen half a dozen silver-plated spoons, and think they have shut down the house, and they forget that the Socialist Party is not a party of reform, but of revolution."

"To a reporter on the Evening Sun, who asked Mr. Russell if there were not Socialist ideas in the Progressive platform, he replied:

"Not a single one. Those who say that there are don't know what the word 'socialist' means. The Progressive Party is just as far from Socialism as from Democracy. Their planks are mere palliatives and nostrums, idle as the wind—not worth talking about."

"The Appeal to Reason, which has a circulation larger than all the other Socialist publications combined, in an editorial in the issue of April 19, 1913, under the head of 'Confiscate the industries,' says:

"We make no apology for advocating the confiscation of the Nation's industries as soon as we have the power to confiscate them."

"The rebels of '76 confiscated the colonial possessions and drove out King George and his vassals, who held the legal title to them."

"The Lincoln administration confiscated the slave property of the southern slaveholders, and this constitutes its crowning glory."

"The railroads of this Nation have plundered the people without mercy ever since the first of them was chartered. The people have paid for them over and over again, and now, when the people come to take possession of these railroads, which they built and which in very truth belong to them, they would be nothing less than idiotic to turn over the Public Treasury to the private capitalists, whose claim to them would not bear for one instant the searchlight of honest inquiry."

"So with the telegraph and telephone; so with the steel mills and the coal mines; so with the oil refineries and the cotton mills."

"Of course, we expect to confiscate the Nation's industries legally, for as we shall have the power to legalize our acts the same as the capitalists now do, we can quite easily give legal sanction to whatever may be necessary to secure the peace, prosperity, and happiness of the people."

"We would have no one under any mistaken impression so far as our position on confiscation is concerned. We want the capitalists themselves to know that we are organizing to take from them the right and power they have had since the beginning of capitalism to take from us the proceeds of our toil."

"The Appeal to Reason unfurls the flag of confiscation and appeals to all the toilers of the Nation—in the mills and mines, on the railroads and the farms—to rally beneath its folds and hasten the day of their deliverance."

"To succeed in this program of confiscation, the Socialists necessarily conclude that they must undermine the Army and Navy, indeed, all the agencies of law and order. Hence, they declare for the disarmament of the armies and navies and the abolition of the State militia, so that when they get ready to take over this property they may not be met by the defenders of law and order. That the Socialists fully realize the serious nature of their undertaking, the following extract from a signed article by the Socialist Congressman, Victor Berger, in his own paper, the Social Democratic Herald, of July 31, 1909, will clearly show:

"In view of the plutocratic lawmaking of the present day, it is easy to predict that the safety and hope of this country will finally lie in one direction only, that of a violent and bloody revolution."

"Therefore, I say, each of the 500,000 Socialist voters and of the 2,000,000 workmen who instinctively incline our way should, besides doing much reading and still more thinking, also have a good rifle and the necessary rounds of ammunition in his home and be prepared to back up his ballot with his bullets if necessary."

Mr. GOMPERS. The idea of the suggestion of making more strenuous efforts to organize the unskilled workers—as a matter of fact, the American Federation of Labor, during the entire year, devotes more of its time and more of its revenues, more of the efforts of its officers and organizers and representatives in the organization of the unskilled workers than any other one thing. It is physically impossible to give more strenuous efforts in any cause than are given by the

witness before this commission at this time, and who is made the principal object of the attack by the Socialists here and elsewhere. There is no man—I don't care who he is—who works harder and more consistently and persistently in the efforts to organize the workers, in the effort to improve their condition, in the effort to secure, to firmly rivet the rights to which the toilers of our country are entitled, and to suggest by one who is in the ranks of the Socialists, as—

Mr. HILLQUIT (interrupting). Meaning me?

Mr. GOMPERS (continuing). That more strenuous efforts should be put forth comes with ill grace, and, after all, what is "skilled" and "unskilled"? It is all a matter of gradation. There are some men who say that they work with their heads. My answer to that is, so do hogs. The matter of gifts and powers and responsibility entering into their work, they are required in any field of human activity in wage labor. What would you call the ditch digger? What would you call the hod carrier—the laborer? What would you call the conductor on a street railway? What would you call a street railway motor-man—a man who will acquire the ability to operate a car in the course of 6 or 8 or 10 hours, and is entrusted after that with the operation of the car? The fact of the matter is that for a long period of years the socialists have had the open sesame to the people of Europe, who speak languages other than English, and the minds of the foreign-speaking workmen have been poisoned against the American Federation of Labor, and that, as a consequence, many of the workmen coming from other countries in which languages other than English is spoken come here with a mind prejudiced and poisoned against the American labor movement, and they start out what they regard as their own.

Now, before I get deeper into this question, let me say that I quite agree with Mr. Hayes's statement that, after all, the quarrel is among us—our dispute is among us, the working people—and we are fighting it out as best we know how. Men who are socialists belong to the unions affiliated with the American Federation of Labor. Mr. Hayes is a member of the International Typographical Union; and I think at least he will agree with me in this, that in the conventions of the International Typographical Union he has as much say as any other member or delegate. In the conventions of the American Federation of Labor he has as free a throw to express his opinion as any other man.

And I want to call your attention to this one fact, that during the period of preparation of the International Typographical Union for the inauguration of the 8-hour workday, and the then possibility of a strike being inaugurated for its accomplishment, Mr. Max Hayes, the socialist, was tactful enough to declare that socialist policy and socialist philosophy must not be interjected into the trade-union movement, at least, during the period of that controversy. And I held with him and hold with him; but where his was a temporary limitation mine is an absolute one—that it is not necessary to burden man to make more difficult the strenuous struggle of all America's organized workers with the terrific enemies and powerful enemies of the employers.

The other point of difference particularly is, and I want to emphasize it, that the attempt, and the constant attempt, of Socialist speakers and writers to belittle the achievements of the organized labor movement of America. The other is that, even after you increase wages, it does you no material good; it does not do any material good; it is simply so much effort wasted. It is the effort of the Socialist Party to divert the attention of the American working people from the immediate need and from the immediate struggle to something remote. If the working people of America can be made to believe that they can secure the relief that they need, the improvement which is justly theirs, the freedom which they ought to have, by casting a vote once every year, wherefore join in the unions engaged in the everyday struggle to improve material conditions now? It is the difference between the man who preaches from the pulpit that the working people are in the positions God ordained and that they will have a better time in the sweet by-and-by. And on the same hand the Socialists who paint a beautiful picture of a future, alluring the workmen from the immediate struggles to the hopes for the future. It is the idea of men being diverted from the immediate struggle and immediate needs for the natural, rational development of the human race; and securing day by day and week by week and month by month and year by year, a little to-day, a little to-morrow, adding, adding, gaining, gaining, moving forward, every step in advance, and never taking one receding step except it be to plant the foot forward firmer than ever before.

I would not want any man to believe nor to so place our movement as if we were satisfied. There is not anything satisfying in what we have accomplished. It is gratifying, but simply whets our appetite and desires and the aims and aspirations for still better and better and still better things.

My time is running away from me, and there is so much to say when a man throws out suggestions and questions, and yet I can not help, but I must take cognizance of the statements or explanations which Mr. Hillquit made for Mr. Berger in voting to sustain the President's veto in the House of Representatives.

You know that the Congress of the United States, using the nomenclature of Socialists, is a capitalistic concern. The Congress of the United States passed two measures demanded by the American Federation of Labor, and that is, first, for a better regulation of immigration into the United States; and, secondly, an appropriation bill in which was contained the demands made by the American Federation of Labor.

It was that appropriations contained in that bill shall not be used to prosecute men or women, or labor in their effort to raise wages, shorten hours, or to improve their working conditions. I grant that that was not a fundamental law that would be so far-reaching, but capitalist Congress passed it at the request of labor, and Mr. Victor Berger, the only Socialist Member of Congress, voted, first, against the proposition itself, and then, when the President vetoed it, he, as the representative of this great party of labor, voted to sustain a President in that veto; and let me say, the idea of a man of democratic tendencies, much less a pronounced Socialist, to vote in favor of sustaining the veto of any President upon any measure is contrary to the principles of democracy, for the presidential veto is nothing more than an inheritance of the exercise of the royal prerogative.

Commissioner O'CONNELL. What was the second?

Mr. GOMPERS. The other was the question of the regulation of immigration—a bill passing the capitalist Congress, if you please.

Mr. HILLQUIT. Yes; affecting immigration.

Mr. GOMPERS. I did not interrupt you, much as I wanted to.

Chairman WALSH. Yes; there must be no interruption from any source.

Mr. GOMPERS. And much as you deserved it.

The other bill, Mr. O'Connell, was the bill to regulate the immigration to the United States, which every man realizes is necessary, no matter what differences there may be as to the degree of regulation and limitation; there is a general agreement among the people of the United States that some regulation and limitation is necessary other than that which exists to-day. That bill passed the House of Representatives and the United States Senate by overwhelming majorities and then came to the President, and the President vetoed it, and Mr. Berger voted to sustain the veto and was one among the minority which failed to secure the two-thirds vote to pass over the President's veto, an action which should not only damn the man politically in his own party but from every Democrat, in the best sense of that term, and not in its party sense.

I should say that we have been contending always—the American Federation of Labor—for the purpose of getting the workmen to organize and to unite, to fraternize, and to make a common cause as best they can; to have their agreements terminated, as near as possible, about the same time, so that new joint agreements of one industry or kindred trades might be made under the best advantages and conditions with the employers.

May I call attention again to the report of the executive council to the Rochester convention; to the question of industrial unionism, the report of the committee upon that subject, the adoption of which by the convention—submitted to Mr. Hillquit upon the witness stand—he could express no dissent from it, and yet this morning says that we have not reached and are only reaching that goal from which he himself could find no dissent?

In regard to the workmen's compensation bill, let me say this: That there are now representatives of labor as commissioners on that commission, and since Mr. John Mitchell was appointed a commissioner, a member of that commission, he has been stigmatized by the Socialist press and speakers as a faker and a four-flusher and a fraud upon the American workmen. Mr. James Lynch, the commissioner of the department of labor, formerly president of the International Typographical Union, has been denounced time and again as a faker, four-flusher, and fraud, and all that sort of thing, an imposter upon labor, a misleader. Let the trade-union movement anywhere in the country nominate a labor man for any position, such as, for instance, the board of

aldermen, the State legislature, for Congress of the United States, and the Socialist Party will antagonize him. Why, Mr. Frank Buchanan, former president of the Bridge and Structural Iron Workers' Union, a candidate for Congress in Chicago, Ill., was antagonized by the Socialist Party. In the last election, running for reelection, Mr. Victor Berger came from Milwaukee, neglecting his own district, in order to defeat Frank Buchanan as a Member of Congress. That is the instance that comes to me just now.

I am simply thinking aloud. It is not just one instance; there is no deviation from their course. As I say, it is the difference between the pretense made here and the practice which obtains throughout.

I remember, Mr. Chairman, the question that I did not answer, and which I desire to add, the categorical answer of yes or no. That is, in the establishment or inauguration of so-called big unions, one big union for labor. First, we had the National Labor Union. It was the first general organization of labor. Then the Rochester convention of national labor unions. And I can recommend to every student, and particularly do I recommend to Mr. Illiquit, the reading of the declaration of purposes of the National Labor Union, which met at Rochester, somewhere in the sixties and he will find that his declarations of immediate demands contained in the Socialist Party, immediate demand upon which he questioned me yesterday, is more fully, ampler, and abler set forth than by the Socialist Party who purloined all this stuff from us.

The Knights of Labor, the Western Labor Union, the American Labor Union, the Socialist Trade and Labor Alliance, and the Industrial Workers of the World—I have no right to make any choice as to which is the better; I believe the statement of each of the representatives of the I. W. W. when they speak of the other I. W. W.

And now, as I said, Mr. Debs is engaged in a movement to destroy the American Federation of Labor; and I am not misquoting him, I am not misrepresenting him—these are his direct words, and if you cared to, I should be very glad to submit them.

Chairman WALSH. Please submit them, because, Mr. Gompers, you have just three minutes left.

MR. GOMPERS. Then I want to refer to this one big union. There is not anything that could be more disastrous to the interests of labor than the establishment, if it could be established, of a so-called one big union. There are differentiations in all human activities. Perhaps no better example might be cited than the Army on the battlefield and in the preparation for battle, and the organized labor movement on the industrial field. If you can imagine in the Military Establishment of this or of any other country, instead of now having each corps of men doing their particular work, knowing when that work is to be done and how to do it, and each working or growing into the work with the other upon the best accepted understanding of the purposes that the army is to achieve. Purposes and tactics change, and they have changed now from what they were 10, 50, or 100 years ago, and so has the labor movement, and yet it is organized scientifically upon the basis that each is to do a particular thing at a particular time, each accomplish their work, and in their whole accomplishing their great purposes. You can imagine what would occur if the infantrymen, the cavalrymen—the men and the horses were all thrown in together. The worst thing which could occur to such an army would be to order a movement of any kind—to advance or to retreat. The only safety for them would be to stand still forever and anon. And so it is with the labor movement.

The labor movement is organized in a trade, in a calling, in an industry, with its departments such as have already been established, the coalition of each with the other, hoping that the other is to do the best thing that can be done for the one specific purpose of best protecting the men and the women of labor, the children of our time, to promote, to help them to promote their best interests now and for the future, neither treading upon the other, all trying as best they can in the light of their intelligence, in the light of their experience, in the light of the plans formulated by themselves and those chosen to speak for them, a well ordered, rational, democratically governed movement of organized labor of America, will lead to the attainment—as it has already led to the attainment of the highest possible conditions of humanity, and the conscience that shall demand as well as give to every human being the rights, and the liberties of the better civilization we now have—for which we are constantly toiling and constantly striving.

Chairman WALSH. We are very much obliged to you, Mr. Gompers.

Mr. THOMPSON. There is a question I would like to ask, which has been propounded by the audience.

Chairman WALSH. If it can be answered by yes or no, proceed.

Mr. THOMPSON. This is a question handed in by some members of the audience.

Mr. GOMPERS. Well, I don't know. I don't know whether I have committed murder or not.

Chairman WALSH. You can do the same as I suggested to Mr. Hillquit about his questions. You can answer it later, if you care to.

Mr. GOMPERS. The question can not be answered by yes or no. I shall be very glad to answer it, if the gentleman desires, at some other time. It can not be answered by yes or no.

Chairman WALSH. The commission will now stand adjourned until Monday morning at 10 o'clock, to meet here sharply at that hour in this room.

(At 12.15 o'clock p. m., May 25, 1914, an adjournment was taken until Monday, May 25, 1914, at 10 o'clock a. m.)

THE BUILDING TRADES OF NEW YORK CITY

(For exhibits under this subject, see pages 1789 to 1799)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, May 25, 1914—10 a. m.

Present: Chairman Walsh, Commissioners Lennon, O'Connell, Ballard, and Garretson.

THE ARBITRATION PLAN.

Chairman WALSH. The commission will please come to order.

Mr. THOMPSON. I will call Mr. Eidlitz.

Chairman WALSH. What is it to-day, Mr. Thompson?

Mr. THOMPSON. The hearing to-day, Mr. Chairman, begins the building trades of New York City, and the particular matter on for this day is the arbitration plan, the so-called New York arbitration plan in the building trades, which was in existence for a number of years. The first witness for the day is Mr. Eidlitz, who will speak generally on the whole subject, and more particularly with reference to the employers' views on the arbitration plan.

TESTIMONY OF MR. OTTO M. EIDLITZ.

Mr. THOMPSON. Mr. Eidlitz, I believe you testified before the commission at Washington?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. On the question of collective bargaining?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. I do not intend to cover that whole field in detail as I did then, but I would like from you now a brief statement of what led to the formation of the New York arbitration plan in the building trades. Briefly state it, please, for the purpose of this record.

Mr. EIDLITZ. For a great many years, in the city of New York, the various departments of the building industry made agreements with their unions; that is, the plumbers, the steam fitters, the bricklayers, carpenters, and so on down the line. It transpired that a number of individuals came from the West who had perhaps new ideas as to the value, financially speaking, of what organization might mean to an intelligent unscrupulous leader. They proceeded to organize a very beautiful graft game in the city of New York, and exacted tribute by calling strikes, and would release the job from the strike for a consideration. They were notably led by Sam Parks, of the house-smith and bridgemen's union. The situation became so serious after a year or two that the employers decided that there was only one thing that could be done, and that was to unite, and by their own union offset this aggressive and graft situation. We did so. One thousand firms were united, a constitution and by-laws drafted, and the whole project put in operation, the Building Trades Employers' Association formed, and the whole project put in operation in about three weeks. Bonds were exacted from all the members, according to their importance in the industry; a bonding committee formed to see that justice should be done to the small as well as the larger men. We then served notice on the organizations that hereafter the conditions that had prevailed for the last two or three years must cease.

Mr. THOMPSON. You mean by that the organization of the workmen?

Mr. EIDLITZ. Yes, sir; that is to say, the inaugurating of strikes for graft. At that time, if I remember rightly--this occurred in 1903--there had been a strike of the material dealers--that is, the teamsters who were supplying the dealers went on strike--and for some little time around May the work was

shut down all over the city. During this interval, as I remember it—I am speaking now to the best of my remembrance—this situation was crystallized as I have related. A few years prior to this Bishop Potter, who had been very deeply interested in the relation between labor and capital, had asked a number of the men in the various departments—various departments of endeavor—to draft a scheme of what they suggested, as to how to handle the problem between capital and labor, and, among others, he also asked me to make a suggestion. The suggestion was made by myself, and it was indorsed by the building trades employers' association, and the unions were notified that before the relations would be taken up with them again that they would have to subscribe to this method of settling trade disputes. In other words, the fine point of what this method was was that before a strike they must confer, the question must be investigated. A delegate could not go on the job and say to those who were there to pull the men off.

MR. THOMPSON. Mr. Eidlitz, with reference to the bond that you say was exacted by the employers' association from its members, in a general way what was the nature and intent of that bond?

MR. EIDLITZ. The nature and intent of that bond was this: The thousand firms were divided into approximately 28 or 29 or 30 organizations, having a varying membership, in some cases the membership took in very nearly all the employers in this industry in the city of New York and in others it was only partial; and the object of the bond was, first, the governing body of the building trades employing association was vested in a board of governors and three representatives from each of the units composing it.

MR. THOMPSON. Have you got, Mr. Eidlitz, any literature giving the units composing its organization?

MR. EIDLITZ. Well, yes; I have it as it existed in 1907, when this was—

MR. THOMPSON (interrupting). Now, was a copy of that book you have there filed with the commission at Washington?

MR. EIDLITZ. Yes, sir; Mr. Ballard has a copy of it.

MR. THOMPSON. I mean, and you also filed one, did you not, with the commission at Washington?

MR. EIDLITZ. Yes, sir; I did.

MR. THOMPSON. Now, the title of it?

MR. EIDLITZ. This is simply the report gotten out in 1910, entitled, "The Decisions of the General Arbitration Board of the New York Building Trades Affecting the Jurisdiction of the Trade."

MR. THOMPSON. Now, Mr. Eidlitz, does that book containing these decisions also contain an outline of your organization, its aims, membership, and purposes?

MR. EIDLITZ. Yes, sir.

MR. THOMPSON. Does it also state in there the nature and extent of this bond and give an account of it?

MR. EIDLITZ. State what?

MR. THOMPSON. This bond that you require.

MR. EIDLITZ. I don't think so. But the nature of the bond—I was getting to that—the nature of the bond is that when the board of governors issued an order, and an individual firm disregarded that order—after hearing before the grievance committee the bond was forfeited.

MR. THOMPSON. For what amounts were those bonds given? I understand they were for different amounts?

MR. EIDLITZ. I think the lowest was \$500.

MR. THOMPSON. What was the highest?

MR. EIDLITZ. Well, we had at one time one as high as \$25,000. Most of them ranged from \$500 to \$2,500.

MR. THOMPSON. What was the name of this association at that time?

MR. EIDLITZ. Building Trades Employers' Association.

MR. THOMPSON. Is that still in existence to-day?

MR. EIDLITZ. Yes, sir.

MR. THOMPSON. During the life of that association, were any of these employers' bonds forfeited?

MR. EIDLITZ. Yes, sir.

MR. THOMPSON. Were any collections made on them?

MR. EIDLITZ. Yes, sir.

MR. THOMPSON. In what instances do you remember? What firm or what employers, and in what trade, and, if any, the amount of forfeitures?

MR. EIDLITZ. Well, I don't remember that. There were about four or five.

Mr. THOMPSON. Were the employers, at the time the bond is forfeited, expelled from the organization?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Are, do you know, any of those employers back in the association?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Then, there was no provision in your organization by which a man would have to be expelled for good?

Mr. EIDLITZ. He would be expelled, but he could always have a hearing; but his coming back, however, was absolutely dependent on the will of the board of governors. Some of them were out for quite some little time.

Mr. THOMPSON. Mr. Eidlitz, have you any literature in connection with the employing association, showing its forms, intents, and purposes?

Mr. EIDLITZ. No; but I would be very glad to send you such literature.

Mr. THOMPSON. I would be very glad if you would do so after you return.

Mr. EIDLITZ. Yes, sir.

(NOTE. Pamphlets entitled "Building Trades Employers' Association," "Constitution and By-Laws of the Building Trades Employers' Association," and "To the Employees of the Members of the Building Trades Employers' Association," all submitted in printed form.)

Mr. THOMPSON. Now, after the formation of your organization, how did you deal with the organizations of workmen who violated your rules?

Mr. EIDLITZ. Well, we took up the question right at that time, which perhaps would explain the method. As I said, we served notice on the various unions of the industry that we would not do business with them again until they had signed an agreement agreeing to handle labor disputes on the basis that was outlined in the plan. Some of the organizations came in quickly, and others, when we found that they were unwilling to accept the situation, we formed new unions, giving them the same trade conditions, giving them the same wage, and succeeded, in the course of two years, in reorganizing every one of those 29 organizations.

Mr. THOMPSON. Have you a memorandum showing the 29 organizations?

Mr. EIDLITZ. I can read them to you. Some of those organizations saw the light and came in quickly; others took a longer time, but some of them we had very considerable trouble with, and dual unions were formed, and for a time existed; and finally they were all cleaned up and the trade became as one organization, but all under the plan.

Mr. THOMPSON. There were 29 of them, you say, that you had to form dual unions in? I would like to get the names of those, if you can give them.

Mr. EIDLITZ. The masons and builders' association, who had an agreement with their bricklayers and laborers; the hoisting association, that had an agreement with their hoisting employees; the marble-industry employers' association, who have an agreement with three organizations—the cutters and carvers, their shop hands, and their laborers; the electrical contractors' association, that have an agreement with the electricians and helpers; the wirework manufacturers, who have had an agreement with the hoisters; the house movers and shovers, who have an agreement with their employees; the employers' association of architectural iron workers; the rock and cement workers; the ornamental bronze and iron workers; the association of interior decorators and cabinetmakers; the tile grate and mantle association; the parquet flooring association; the composition roofers and waterproofers' association; the association of roofers and sheet-metal workers of Greater New York; the Iron League of Architects and Erectors' Association; and the employing plasterers' association.

Mr. THOMPSON. Mr. Eidlitz, the names you are reading there are names of employers' associations affiliated with your body?

Mr. EIDLITZ. Yes; and, of course, they all have their agreement with us—

Mr. THOMPSON (interrupting). Yes, sir; I understand that. But in how many cases at that time did you have to form dual labor unions? You said 29, as I understand it?

Mr. EIDLITZ. Well, as I remember—well, it was an appreciable amount, but I don't just exactly know how many. It occurred in the case of the plasterers, and it occurred in the case of the carpenters. I believe it did in the case of the tile layers. I am going from memory now—and this is 11 years ago; although I was right in the midst of it, these things escape me. I should think probably 5 or 6 or 7, however, out of the 29, or perhaps 10; less than a third.

Mr. THOMPSON. In the dealings that the association had with the trade-unions since that time, in case of trouble with the union, have you also formed a dual union?

Mr. EIDLITZ. We have.

Mr. THOMPSON. And is that the policy of your association up to the present time?

Mr. EIDLITZ. Not necessarily.

Mr. THOMPSON. I mean this: It is one of the means of warfare, if necessary?

Mr. EIDLITZ. It is one of them.

Mr. THOMPSON. I mean, you have not abandoned it or repudiated it, or anything of that kind; but it is still open to use?

Mr. EIDLITZ. Yes; it has not happened but, I think, more than twice since 1903 and 1904.

Mr. THOMPSON. In regard, Mr. Eidlitz, to the forfeiture of bonds that you have spoken about; did any of the companies resist the forfeiture, and if so, what was the outcome of that position?

Mr. EIDLITZ. Any of the companies?

Mr. THOMPSON. Yes; that these bonds were forfeited?

Mr. EIDLITZ. Well, the bonds were exacted from a bonding company, and when the forfeit was ordered by the board of directors the bonding company had to make good. It was then subject to fight afterwards.

Mr. THOMPSON. Well, did any of the firms light it afterwards?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. What firm, do you know, or firms?

Mr. EIDLITZ. Well, is that essential?

Mr. THOMPSON. Well, I think that I would like to have you answer, Mr. Eidlitz.

Mr. EIDLITZ. Well, if you don't mind, I would rather not; of course that is a matter of record.

Mr. THOMPSON. Well, I will not press the point.

Mr. EIDLITZ. Thank you.

Commissioner O'CONNELL. It can be gotten from the records, Mr. Eidlitz?

Mr. EIDLITZ. Yes; and if you want those records there won't be any trouble in getting them from the secretary of the association. That is all very carefully kept.

Mr. THOMPSON. Now, briefly as you can state it, Mr. Eidlitz, what was the specific form of arbitration provided for in that agreement in the way you state?

Mr. EIDLITZ. Well, the cardinal difference between the operation under the plan and the operation before the plan was that no representative of labor had a right to go on any work and stop work before he brought the contention to the attention of the proper accredited tribunal who was handling this problem.

Mr. THOMPSON. And what was that tribunal, and how was it made up?

Mr. EIDLITZ. That tribunal, as it existed during the major part of the agreement, was composed of 12 men—6 employers and 6 representatives of labor. The delegate—they sat about three times a week. The delegate who had the grievance against any employer brought this charge before the executive committee—the executive committee made the ruling. Now, if they found that the delegate's contention was correct they issued an order which said that the executive committee finds that the arbitration plan is not maintained on the job, for instance, at Eighteenth Street. The moment that order was issued all the representatives of the Building Trades Employers' Association who were on that job were immediately notified of that order. Then the question was in the hands of the laborites to do what they wished to do.

In other words, the committee after investigation found that the delegate's representation that conditions contrary to the trade agreement were existing on that job, and, that being the case, they were at liberty to handle it according to trade-union methods. Now, very often, it was straightened out; the mere fact of that ruling having been made, the secretary would call up, in many cases it was an owner who we were not in direct relation with, and the secretary would call up and advise the owner, tell them of the trouble here, and in a vast majority of cases that was all that was necessary; the trouble was cleared up without any further strike or anything further, or any other effort.

Mr. THOMPSON. Now, Mr. Eidlitz, when you say that it was left to the laborites, to pursue their usual or ordinary methods and settle the trouble, did your association do anything itself to improve those conditions?

Mr. EIDLITZ. Yes.

Mr. THOMPSON. Did you enforce the order?

Mr. EIDLITZ. Well, no, we did not, except so far as it related—if it related to one of our own members, you see—if it related to one of our members, that member was notified to clean up his situation, that he was acting contrary to

his trade agreement, see, and he would have to clean it up, and in ninety-nine cases out of a hundred it was cleared up.

Mr. THOMPSON. Suppose he did not, then what further would your association do to him?

Mr. EIDLITZ. If he did not clean it up, if he did not abide by his contract relation with his own trade, after being notified by the parent body that he was in default, see, then, so far as we were concerned, we took our hands off; but, you see, he had to comply or else he would be subject to forfeiture of bond as well because the committee had found him wanting.

Mr. THOMPSON. But the limit of your activity was the forfeiting of the bond, as I take it, from what you said? You pursue no aggressive warfare against that foreman?

Mr. EIDLITZ. No.

Mr. THOMPSON. Do you contribute—

Mr. EIDLITZ (interrupting). Well, in this way we do, at times, but, of course, some of these questions you know are very near, very close, and sometimes you can go from a flagrant case to a hair-splitting case, don't you know. Now, then, when the man was found guilty, if he had found it was one of those near cases, as I might term them, he had a chance to come before the grievance committee and explain himself; that is, the grievance committee of the Building Trades Employers' Association; and if they found—in many cases this association found the trouble that had caused this complaint was all over—that all the work was finished, don't you know, and there was really no way of getting at it, and he would be fined.

Mr. THOMPSON. To whom did that fine go?

Mr. EIDLITZ. To the Building Trades Employers' Association.

Mr. THOMPSON. In any fight that was going on in work under actual construction, did your association help finance the strike of the workers, if they struck?

Mr. EIDLITZ. Help to finance a strike of the workers?

Mr. THOMPSON. Did you give any contributions in money to the workers?

Mr. EIDLITZ. No.

Mr. THOMPSON. In case they struck on a job, where a man violated the agreement?

Mr. EIDLITZ. No.

Mr. THOMPSON. In other words, as a matter of fact, your activity was practically confined to making a ruling notifying the member of that ruling, forfeiting his bond, if necessary, and that is what you did, and after that you took your hands off?

Mr. EIDLITZ. Yes.

Mr. THOMPSON. And let—

Mr. EIDLITZ. In other words, before everybody was subject to the whim of any delegate who thought he saw a chance to do something, or who might have been a new man on the road and very energetic and want to make a demonstration, and after the plan was inaugurated, it became necessary for him to prove his case before his own colleagues.

Mr. THOMPSON. I think I understand that. Now, further proceeding with your plan of arbitration, you have this committee of 12. Then, in case they don't agree, what would happen then?

Mr. EIDLITZ. In case that the committee of 12 could not agree, then the matter was referred to the supreme court, so to speak, which was composed of 2 representatives of either side of the entire industry; that is, it was a body of about 120 men.

Mr. THOMPSON. And the matter was taken up there?

Mr. EIDLITZ. The matter was taken up there.

Mr. THOMPSON. Was it heard?

Mr. EIDLITZ. Was heard, and a vote taken.

Mr. THOMPSON. A vote taken. Was there any appeal from the order of that body?

Mr. EIDLITZ. No.

Mr. THOMPSON. There was not?

Mr. EIDLITZ. No appeal from the order of the general board.

Mr. THOMPSON. In case the general board deadlocked, then what were the means of settling it, if any?

Mr. EIDLITZ. In case of a deadlock, why, of course, the subject—we always were ready to submit any question to arbitration with an umpire.

Mr. THOMPSON. And your rules and provisions did provide for the final refer-

ence, after this general committee, to a board of arbitration, did it not?

Mr. EIDLITZ. Yes.

Mr. THOMPSON. And sometimes that board with an even number, as I understand it, two on each side?

Mr. EIDLITZ. Yes.

Mr. THOMPSON. And it admits the issue to vote to five with the addition of an umpire?

Mr. EIDLITZ. Yes.

Mr. THOMPSON. To the four—

Mr. EIDLITZ. No; perhaps I don't quite get you, but the general board was composed of 120 men.

Mr. THOMPSON. I understand.

Mr. EIDLITZ. Two from each side of the employers and employees, so that there were four representatives from the brick trade and four representatives from the carpenters' trade on each side, and so all the way down the line.

Mr. THOMPSON. After that you had a provision, as I understand, by which in case of a deadlock there the matter might go to arbitration?

Mr. EIDLITZ. If they so voted it could, but if there was a decision, that is, if it had come to a vote, it could not be referred because a disgruntled party wanted to try it over again.

Mr. THOMPSON. But in case it so happened to break in the presentation of the matter before this general body?

Mr. EIDLITZ. Yes.

Mr. THOMPSON. Then the matter was taken up for a vote on the application of one of the parties to send it to arbitration?

Mr. EIDLITZ. Yes.

Mr. THOMPSON. Then it would be so sent, would it not?

Mr. EIDLITZ. It would. There never was, as I remember it at the present moment, at least we always were first and last in favor of arbitrating the question, and the only point about it was that in arbitrating trade questions it is a rather long-winded proposition and somewhat costly, and that is why the labor side at times were a bit reluctant about having many questions tried by arbitration.

Mr. THOMPSON. Now, Mr. Eidlitz, who generally composed this arbitration board of four when it was only four?

Mr. EIDLITZ. It was composed of two men, two employers and two laborites, who were not interested in the particular subject under discussion. In other words, if the scrap was between a plumber and a steam fitter, a plumber or a steam fitter employer or workman could not sit on that board, but they had the right to select any one of those other 58 names on either side to act for them.

Mr. THOMPSON. That is to say, each contestant had the right, for instance—

Mr. THOMPSON. That is to say, each contestant had the right, so far as the union was concerned—a union representative had the right to select the man of his own choosing?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Anyone of his own choosing?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Then, they were not confined necessarily to pick men who were not concerned in the controversy?

Mr. EIDLITZ. They could pick whoever they wanted outside of their own trade.

Mr. THOMPSON. I mean outside of their own trade.

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. That was true of the employers as well?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Now, Mr. Eidlitz, in the following out of that work—the work of your association—was it ever necessary to declare a lockout against any of the unions?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. In the building trades in New York City?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. If, so, when and where was it?

Mr. EIDLITZ. Well, the most flagrant one was one that happened, I think, three years ago—four years ago now nearly.

Mr. THOMPSON. Wasn't there a lockout declared in 1904 against the carpenters, electricians, tile setters, mosaic work, and plumbers?

Mr. EIDLITZ. Yes, sir. That is going back. 1903 and 1904, that was really the war time of trying to bring the plan into operation.

Mr. THOMPSON. But wasn't there an amendment at that time?

Mr. EIDLITZ. Yes, sir; there was.

Mr. THOMPSON. Wasn't there an amendment of your arbitration plans in the year 1904 as a result of the lockout declared at that time? If so, what was the amendment?

Mr. EIDLITZ. I have not got a copy of the old plan here with me.

Mr. THOMPSON. Generally, what was the substance of it, if you remember?

Mr. EIDLITZ. The main amendments were making the plan more specific, arranging certain methods of voting, and amplifying it generally. The main features of it were left untouched.

Mr. THOMPSON. And this book you have will show those amendments?

Mr. EIDLITZ. Shows the amended plan.

Mr. THOMPSON. Now, Mr. Eidlitz—

Mr. EIDLITZ. I will be very glad to send you a copy of the original, too.

Mr. THOMPSON. Were any unions dropped from this arbitration plan? I will direct your attention more specifically to the iron workers in 1906; and why were they dropped?

Mr. EIDLITZ. Well, in 1906, the housesmiths and bridgemen had been making a great deal of difficulty, and in 1906 their national officers came here to New York and inaugurated a warfare against the firm of Post & McCord, on the basis that Post & McCord were dependents of the American Bridge Co.—dependents or actually were a part of the American Bridge Co.—and as the American Bridge Co., in their bridge work throughout the country, had at that time decided that they would not employ union men any more, they inaugurated this warfare against Post & McCord, finding that Post & McCord were a part of the bridge company. The executive committee of the joint board, composed of employers and employed, took up the question with the officials of the housesmiths and bridgemen. We made every effort to give them positive proof that they were wrong in their contention. We offered to show them the books of the Post & McCord Co., and their articles of incorporation, but they refused to listen. They said that, in as much as Post & McCord had sold their interest to the American Bridge Co., that they considered that they were a part of it, and they were not open to conviction as to the contrary.

Mr. THOMPSON. Mr. Eidlitz, was there a contract at that time existing by which a union worked with Post & McCord?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Were Post & McCord willing to carry out that contract?

Mr. EIDLITZ. Absolutely; they had to.

Mr. THOMPSON. Has the ironworkers' union, the structural ironworkers' union, been affiliated, been with your body since that time?

Mr. EIDLITZ. No, sir.

Mr. THOMPSON. Or in agreement with them, rather?

Mr. EIDLITZ. No, sir.

Mr. THOMPSON. When did the arbitration plan break down, Mr. Eidlitz, and what was the cause of it, if it did break down?

Mr. EIDLITZ. In 1910 the steam fitters struck for a raise of wages, and their case was examined by the executive committee and referred to the supreme court. I simply mention it that way so as to make the two bodies clear in your mind—the expression the supreme court. The supreme court heard the case and ordered the steam fitters back to work; that then the question would be taken up. They did not go back. They were given a week. Another meeting was held and again the vote of both was successful, and they ordered them back to work. They did not go back.

Now, whenever an organization does not obey the demand of the supreme court, then they are supposed to be at the mercy, if you wish to put it that way, of the employers. In other words, the employers, after they have had their day in court, the union has had its day in court, does not abide by the decision of the executive committee, and the supreme court, then the employer has the option to proceed with his work in any way that he sees fit, and the other organizations, union organizations, agree not to obstruct him. In the plans the unions as a whole guaranteed the faithful living up to the plan of each individual organization. See? And we guarantee the faithful living up of each individual employer or else something will happen.

Now, when the organization, as an organization or a union, as a union decided that they would not abide by the decision which had been arrived at in the judicial manner, then they were left at the mercy of the employer, and that was done by formal vote. It was done by formal vote in the case of the painters and in the case of the housesmiths.

Mr. THOMPSON. And in the case of the ironworkers, too?

Mr. EDLITZ. Yes. Well, the ironworkers are the house-smiths. The house-smiths and bridge workers—"ironworkers" is the general term, but house-smiths and bridgemen is the official title.

In this case the unions and the employers together voted that the plan should obtain and that any member of the Iron League or of the ornamental iron masons' association could man his work with whomever they pleased and none of the other 28 unions would interfere. That is, they would go on peaceably with their work and not try to obstruct the employer. Do you see? But when it came to the steam fitters the unions refused to pass that vote, namely, that the shops of the steam fitting employers are now open to whoever they see fit to employ and we will not interfere. See? They refused to pass that resolution which was necessary, and consequently the plan was inoperative. They had agreed to either secure the prompt adherence to the ruling by the defaulting union or else to allow the employer to proceed with his work in the way that he saw fit and without hindrance on the part of the other members. They would not do that.

Mr. THOMPSON. Since that time, Mr. Edlitz, has there been any adjustment? And how has the adjustment been brought about?

Mr. EDLITZ. Since that time the unions, recognizing that, irrespective of anything else, the settlement of trade disputes or jurisdictional disputes by arbitration, even though it might be slower, was the only feasible way of handling that problem, that it could not be handled by force; they decided to accept, and did accept, this volume of decisions, which has nearly 100 mills, as I remember it—may be only \$5, I don't remember exactly—but the work of seven years is in there, and there was a lot of good effort, and intelligent effort, too, on the part of those who were handling that work. They accepted that as their Bible; they agreed that those decisions should maintain, irrespective of whatever relations existed between the building trades associations and the unions of New York.

Mr. THOMPSON. Have you carried on any specific arbitration since that time?

Mr. EDLITZ. Yes, sir. I was getting to that. The thing—it naturally would follow that, although this eliminated, to a very large extent, the greatest extent, many of the contentious questions that had been bothering the industry for a great many years; still as the industry went on new points were bound to come up. And the method that has since been employed is that the executive committee, composed entirely of employers, is ready to meet at any time any of the representatives of labor and have the grievances on the particular job or on the general question decided, and they thrash out the proposition.

Mr. THOMPSON. That is as a matter of conference?

Mr. EDLITZ. As a matter of conference. It is not entirely by conference. Of course, having the ground work of this to go on, and the experience on both sides of seven years of handling problems by arbitration, it became a very different project, then, to proceed by conference to handle a thing in a similar way.

Mr. THOMPSON. Have you ever, after the conference, or as a result of conference, taken up by arbitration any disputes?

Mr. EDLITZ. Yes, sir. There is one pending between the elevator contractors and electricians at the present time. There have been several.

Mr. THOMPSON. That, then, Mr. Edlitz, is in brief the story of arbitration as it has worked and is working?

Mr. EDLITZ. Yes, sir.

Mr. THOMPSON. In the building trades in New York City?

Mr. EDLITZ. Yes, sir.

Mr. THOMPSON. Now, Mr. Edlitz, referring to the nature of the relations between the unions and the employers, as I understand it, in New York the various associations of employers, like the master painters or the master carpenters, have agreement with the local unions?

Mr. EDLITZ. Yes, sir.

Mr. THOMPSON. Are these agreements in any way carried out with the international as parties to them?

Mr. EDLITZ. Many of them are.

Mr. THOMPSON. Many of them are?

Mr. EDLITZ. Yes, sir. Most of them, I imagine.

Mr. THOMPSON. But do you deal more directly with the local unions rather than the international?

Mr. EDLITZ. Yes, sir.

Mr. THOMPSON. You do?

Mr. EIDLITZ. Yes, sir; in most cases. There are some cases where the international plays quite a part, but in most cases, in every case, of course, the agreement is made directly with the local unions. In some of the cases the international officers revise that agreement; I imagine in many cases.

Mr. THOMPSON. But, from the standpoint of your association and the membership of your association, you look at the local union?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. To be the responsible party?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. If I understand you—

Mr. EIDLITZ. Mr. Thompson is going to make it a case in New York where we are trying to have home rule obtained, isn't that it?

Mr. THOMPSON. It does obtain, doesn't it?

Mr. EIDLITZ. It does obtain to a very large extent.

Mr. THOMPSON. I think that was your testimony in Washington.

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Now, coming to the agreements, Mr. Eidlitz, that are made between the unions and the associations who are a part of your larger association, do they generally provide for the employment solely by the masters of the members of that craft? That is, do the master employers generally agree that they will only employ members of the union in their particular craft?

Mr. EIDLITZ. Absolutely.

Mr. THOMPSON. And do the unions generally agree that they will only work for members of the masters' association?

Mr. EIDLITZ. No, sir.

Mr. THOMPSON. They do not?

Mr. EIDLITZ. No, sir.

Mr. THOMPSON. Do the agreements permit generally of the right of the union men to work for any employer he sees fit?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. They do?

Mr. EIDLITZ. Yes, sir. And they do.

Mr. THOMPSON. Do you know of any agreement now in existence in New York City where the union agrees—the membership of the union, rather—the union agrees on behalf of its membership that they will act solely for the employer?

Mr. EIDLITZ. I think there is no such agreement in existence to-day. There was.

Mr. THOMPSON. There was?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. There has been some litigation in New York City, has there not, over that?

Mr. EIDLITZ. That I don't know.

Mr. THOMPSON. Have any suits ever been brought in New York City, so far as you know, against the master carpenters' association by firms outside of the city of New York who stand ready to furnish trim in this city?

Mr. EIDLITZ. Yes, sir; I had forgotten that.

Mr. THOMPSON. Those suits, or many of them, are they still in existence?

Mr. EIDLITZ. I think that the suit was discontinued.

Mr. THOMPSON. Were there several suits? Or had you been advised?

Mr. EIDLITZ. Well, this was all the same proposition. This was a suit by a number of woodworking concerns in the West against all the master carpenters in the city of New York and the Brotherhood of Carpenters jointly to permit or to force them to allow their product, made under entirely different conditions, to come into New York. In the agreement of the carpenters they had a clause which said that the trim should be made under certain conditions, particularly in Manhattan and the Bronx, and the employers finally agreed to that condition, because there was a great deal of trouble happening and a great many strikes and unpleasantness occurring, due to the fact that nonunion and cheap trim was being run in and put up by the carpenters, and one union finding out that this man was doing this, and the man who finally brought the action had put up this illegal work, if you want to term it so, or contraband article, they came to an agreement that no member of the association would handle in Manhattan or the Bronx that type of trim.

Mr. THOMPSON. Then, again, according to your idea, that was solely for the purpose, as far as the employers were concerned, of saving themselves trouble?

Mr. EIDLITZ. No, sir. It was solely because the union was causing strikes all the time on account of it and because the union wanted it. We did not want it.

Mr. THOMPSON. You mean to say the manufacturers wanted to save themselves trouble on their buildings?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. That is, the erectors?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. So far as you know, and so far as any agreements which members of your association have with the union, are outside contractors permitted to come into the city of New York and erect buildings?

Mr. EIDLITZ. Absolutely. They are doing it all the time.

Mr. THOMPSON. They do it all the time?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Then, there is nothing, so far as you know, in the agreement between the master builders and the unions which seeks to restrict the contracting work in New York City on buildings to the contractors of this city?

Mr. EIDLITZ. There are some trades, I think, that put a fence around the city,

Mr. THOMPSON. What trades are those, if you know?

Mr. EIDLITZ. Why, I think to an extent it exists in the stone trade and the marble trade.

Mr. THOMPSON. To what extent does it exist in the stone trade? How does it evidence itself?

Mr. EIDLITZ. Why, because in the stone trade there is an agreement, practically an agreement, that we will have all the stone that is used here brought in in the rough and cut in this bailiwick here. In other words, we can not bring Indiana limestone cut and carved in Indiana and set it in New York.

Mr. THOMPSON. Can you bring Vermont marble into this city all dressed and polished and set it?

Mr. EIDLITZ. Well, that is practically stone. Exterior stone cutting; that comes under the same category.

Mr. THOMPSON. The same ruling?

Mr. EIDLITZ. The same ruling, practically; yes, sir.

Mr. THOMPSON. In what other branch of building material does that rule apply, if you know?

Mr. EIDLITZ. I think it only applies in the stone trade and to a limited extent that you have mentioned there in the carpenter trade. And I don't know that it applies to-day in the carpenter trade.

Mr. THOMPSON. Now, Mr. Eidlitz, directing your attention to jurisdictional disputes, is the method which you speak of, or have spoken of, in connection with the settlement of other disputes applied to jurisdictional matters?

Mr. EIDLITZ. It has. Most of those cases that have not been adjudicated are jurisdictional troubles.

Mr. THOMPSON. What have you to say from your experience in that regard with reference to the settling of jurisdictional disputes in the building trades in other parts of the country? Do you believe it should be done by local agreements in each respective city, or could it be done by a national body representing the employers and the employees?

Mr. EIDLITZ. Well, I think that the local conditions, Mr. Thompson, vary so largely in the different cities of the Union that it would be extremely difficult to have a national board, if you should term it so, composed in a similar manner as the New York board was composed, to try the cases and arrive at a decision which would be fair in every city of the country. Of course, you understand there are certain fundamental things which go without saying, and which are very rarely, if ever, challenged unless you challenge the whole subject of open and closed shops. And, naturally, if you go to Detroit or some of those other cities that are operating under entirely different forms, or if you go to Boston, where there is a very large percentage of open-shop conditions, you can see at once that you can not discuss absolutely closed-shop propositions to determine what should happen in a city or a town that is operating under fundamentally different conditions.

Furthermore, in the city of New York, and I am talking now, of course, for the city of New York, many of the national unions, in certain of the trades at least, are largely dependent for their support and well-being upon the support they get from New York. It does not apply to all of them, but it does apply to a number of them. And, consequently, in many instances, it is a case of the tail trying to wag the dog, and the dog does not like it, and New York is the dog.

Mr. THOMPSON. First looking at the principle of the matter where similar conditions exist as do in New York City, which I take it from what you say is where there is a closed-shop arrangement?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. Between the employers and the unions?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. What objection is there to having the same kind of a decision made in a jurisdictional dispute in both classes or all classes?

Mr. EIDLITZ. Well, the only point about that, Mr. Thompson, is that here in New York we specialize, even perhaps a little more than they do in other places. Some of the things which would be considered without question as belonging to one trade or the other here would have what we might term a specialty and does that kind of work, and he wants his little part of that, and he does not want to be interfered with by any general order.

Mr. THOMPSON. Take the specialist, name any specific instance where you think a specialist could not be joined with a larger body of laborers?

Mr. EIDLITZ. I do not say he could not be joined.

Mr. THOMPSON. Without separating him.

Mr. EIDLITZ. I do not say he could not be joined. We have had an example of that right here and now in the steam fitters' trade. For instance, I will give you an example of what I mean. In most of the cities of this Union, the smaller cities, the plasterers and the bricklayers are together in one organization. If there is a little cement work to be done in that jurisdiction it is done by a member of the bricklayers and plasterers' international union? See? They are all in the one body. Now, when you come to the city of New York you have the bricklayers in one body, you have the plasterers in another belonging to the international organization of plasterers, and you have the cement mason in still another. Do you see? In the same way, for many years, the plumbers and the steam fitters were all in one organization.

Mr. THOMPSON. Just a moment. Taking that last.

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. As I understand you, the international organization covers those three things—the bricklayers, plasterers, and the cement men?

Mr. EIDLITZ. It does cover those three things in the majority of the smaller cities of the country.

Mr. THOMPSON. Yes.

Mr. EIDLITZ. But when you get to the larger cities the bricklayer has his own organization, the plasterer has his own organization, and the cement man has his own organization.

Mr. THOMPSON. Are these organizations of the plasterers and the cement men as distinguished from the bricklayers?

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON. As a matter of fact, it is a matter of different localities? Are not they even in large cities members of the International Union of Bricklayers?

Mr. EIDLITZ. No, sir.

Mr. THOMPSON. They are not?

Mr. EIDLITZ. No, sir. There is an international organization of plasterers. As I remember it, somewhere between twenty and thirty thousand. There is an international association of cement workers. That is what causes the trouble where they specialize.

Mr. THOMPSON. I want to go into that. That is the foundation of the jurisdictional dispute in large cities, I take it—that the plasterers, cement men, and bricklayers can be members of the same international union in the smaller cities. What is to prevent their being members of the international union in the large cities, except larger numbers?

Mr. EIDLITZ. There is nothing to prevent it, except that there is in existence 25,000 members in the organization who are having their own way and have their own sense of importance about their individual organizations, and who have their own craft that they are trying to protect, and they are going to scrap, make a very serious remonstrance before they will amalgamate with the bricklayers. Whether or no that would not be the best thing to do is not the point at issue, as I take it.

Mr. THOMPSON. There is nothing in the trade that would prevent them from amalgamating? That is, in the work itself? They do amalgamate in the smaller towns?

Mr. EIDLITZ. They do, except that there is an understanding between the bricklayers and the International Plasterers' Union that whenever there shall

be a certain number of plasterers in the bricklayers' union and the work in the local enables them to be pretty continuously employed on plastering, that the bricklayers will not object if the plasterers of the bricklayers' organization make an application to the International Plasterers' Union to start a local of plasterers in that locality. In other words, what it means is that so long as the work in the locality is small and a man can not continuously earn a livelihood at it, or there are only 2 or 4 or 5 who could be continuously employed, the bricklayers control the situation; but when it comes to a time where 12 or 15 or 20 plasterers can be continuously employed in that locality, then the bricklayers will not interfere with the plasterers making application to a national or international plasterers' union for a local, and those men will leave the bricklayers to go into the plasterers.

Mr. THOMPSON. If it were possible to have the plasterers, even in large cities like New York, and the cement men a part of the bricklayers' union—as I can well conceive that would be—

Mr. EIDLITZ. Yes, sir.

Mr. THOMPSON (continuing). Would that help in the settlement of and adjustment of industrial disputes?

Mr. EIDLITZ. I think it would. I think it is fair to say—that is probably axiomatic—that the fewer contestants for any department of work, naturally, the less chance of friction.

Chairman WALSH. Mr. Lennon wants to ask you a question.

Commissioner LENNON. Mr. Eidlitz, you spoke in the opening of your testimony of compensation being paid and you mentioned the name of Mr. Parks. I do not want to get into personalities, but I simply call your attention to it. Who paid this compensation, the contractors, the owners, or the union?

Mr. EIDLITZ. Well, if you can believe what we hear, all three; and then some.

Commissioner LENNON. What was this compensation paid for? What was the object in view in paying this money?

Mr. EIDLITZ. Why, a strike would be inaugurated on a job and there did not seem to be any way it could be settled. For instance, nonunion material would be brought to the job and perhaps a large amount of it allowed to be installed, and all of a sudden Mr. Parks or his emissaries would step in and say, "Those skylights have got to come off."

Commissioner LENNON. Who do you understand got this money, the individuals or the unions?

Mr. EIDLITZ. Well, I imagine that was pretty well confined to a small coterie. There was a little inside club in the housesmiths and bridgemen's union which—of course, I don't know this of my own knowledge, it is simply hearsay now—those funds went to that club; but I think Mr. Parks got the majority of it, and a very appreciable part of it—he and his direct lieutenants.

Commissioner LENNON. Did the plan of arbitration which you originally were party to during it—did that put a stop to this system?

Mr. EIDLITZ. It put a stop to nine-tenths of it. I don't believe we can put a stop to the disposition of human nature to be frail when they get power behind them, as long as you and I are going to be on this world, altogether; but you can check it; but you will not be able to eradicate it by a commission form of government or otherwise.

Commissioner LENNON. So far as your observation went, were there not instances where contractors were the initiators in this graft system?

Mr. EIDLITZ. Initiators?

Commissioner LENNON. Yes; I don't mean every contractor. I mean a contractor here and there. Wouldn't he try to do anything?

Mr. EIDLITZ. To be perfectly frank with you, I believe there is something in what you say. I don't doubt it at all, that there were some contractors who deliberately went to work and speculated on the situation; bought the cheap stuff and installed it, and then paid tribute to those who made that dicker beforehand. I don't think that is at all beyond the bounds of possibility. Rotten on both sides.

Commissioner LENNON. Did this system, or whatever it may be called—or lack of system, which it really is—what effect did it have on the building operations in the city of New York?

Mr. EIDLITZ. Why, the troubles were happening so fast and furious that we were on our beam ends for half the time.

Commissioner LENNON. Well, I should have added to that question, what effect—I mean, what effect did it have more upon the cost of buildings—the stoppage of building?

Mr. EIDLITZ. It hampered it, naturally hampered the cost and put a premium on paresis, so far as the contractor and owner were concerned.

Commissioner BALLARD. Are nonunion materials now penalized by the unions? Can a contractor bring in nonunion materials now and have them put in buildings if he wishes?

Mr. EIDLITZ. As a matter of fact, you will remember that most of the things that go into a building are manufactured under nonunion conditions—steel, brick, cement, lime—all those ingredients; all the piping of every description.

Commissioner BALLARD. So they can add and do bring in materials made by non-union manufacturers?

Mr. EIDLITZ. Absolutely. The thing is simply controlled, if you wish to call it so, or an attempt made to control it, in a very few of the trades.

Commissioner BALLARD. How about the plumbing supplies? Can a contractor or individual buy plumbing from any plumber he wants and have it installed by union men, if he may select, or is the plumbing trade a dominating trade so far as purchasing the goods is concerned? Is there an agreement between the manufacturers of plumbers' supplies and the smaller dealers in plumbers' supplies that they won't sell to anybody except certain union men or certain union workers?

Mr. EIDLITZ. No; I think not.

Commissioner BALLARD. Do you happen—

Mr. EIDLITZ (interrupting). I think not. There is on that a protective agreement between the manufacturing houses of plumbing fixtures and the licensed plumbers of the city. I think that obtains pretty well throughout the whole country. That is to say, the average individual can not go to a plumbing house and purchase fixtures at the same price that a plumber can. In other words, that is protection of wholesaler and jobber.

Commissioner BALLARD. He could not purchase them at all, could he?

Mr. EIDLITZ. Yes; he can purchase them.

Commissioner BALLARD. Are the wages which the union men in the various trades in New York receive the same as they receive in other cities, or are they higher?

Mr. EIDLITZ. They are higher, except, I believe, in San Francisco.

Commissioner BALLARD. Would a contractor have a right to bring union men from Buffalo or some western city into New York to do this work, or must he deal with the local unions?

Mr. EIDLITZ. He can bring his men from wherever he likes.

Commissioner BALLARD. The contractor can?

Mr. EIDLITZ. Yes; he would have to pay the New York scale when he gets them here.

Commissioner BALLARD. Would the union man have to join the local union here?

Mr. EIDLITZ. They probably would; they would have to take out their cards in the local union, and—

Commissioner BALLARD. And pay an initiation fee?

Mr. EIDLITZ. Well, I would not say that. I do not know what happens in all of them, but in most cases it is a very moderate fee. They take out their transfer cards from their home local and turn them in in New York and pay a certain fee, \$1.25, or something of that sort, for the privilege of working in this jurisdiction.

Commissioner BALLARD. The organization of employers came after the labor unions were organized, didn't they?

Mr. EIDLITZ. Yes.

Commissioner BALLARD. Would the organization of employers take into this organization any and every employer who wished to come in in that trade?

Mr. EIDLITZ. I think so; unless there is something very serious against them.

Commissioner BALLARD. Then, you say the organization of employers excludes members if they are guilty of practices which the organization itself does not stand for?

Mr. EIDLITZ. Yes.

Commissioner BALLARD. Now, workmen that have been employed by you and other contractors in the organization of contractors, has there ever been any trouble from men who are Socialists or I. W. W. or any other of those various isms?

Mr. EIDLITZ. Well, there have been some organizations; there have been troubles which we might have ascribed to that spirit among its membership. But I do not think that is a spirit that receives a great deal of consideration from real organized labor.

Commissioner BALLARD. For instance, if the employers should have some controversy with some union which sometimes occurs?

Mr. EIDLITZ. Yes.

Commissioner BALLARD. Suppose, for the sake of the argument, that this committee of 100 or 120 should decide against the local union, and the local union that was decided against might not accept it, and would they resort to any of this so-called sabotage, or would they say simply, "Well, we submitted the matter to arbitration and got beat, and have got to abide by it until something else comes up?"

Mr. EIDLITZ. Well, they have indulged somewhat in sabotage; they have in the fight. They have done some very disgraceful things, some of them, notably, in the housemen and bridgemen, in the way of dynamiting and crippling derricks, and so forth, that has happened.

Commissioner BALLARD. They have, perhaps, during the strike or the warfare, but after the thing was over, would they still resort to sabotage?

Mr. EIDLITZ. No. I think the average union is like the average individual. They might lose their temper in the heat of the fight, but once it is settled, all bets are off, and they go on together again.

Commissioner BALLARD. You say the employers' association expel any member who is guilty of such practices as the association would not stand for. Do you know of any cases where the unions have either expelled—the local unions have expelled local individuals from their order because they did practices which the union claimed they would not stand for?

Mr. EIDLITZ. I don't know of that of my own personal knowledge. I don't know it. I think it has happened. I think, from hearsay, I think it has happened. I think there are certain men that they have discriminated against.

Commissioner BALLARD. There is no effort on the part of the employers' association to divide among themselves the cities, like New York, into districts which one employer or group of employers will take, and a certain section another group of employers, and another section still another? It has been claimed that that has been done.

Mr. EIDLITZ. That is absolutely untrue so far as the Building Trades Employers' Association is concerned. You want to remember that there are a great many builders or so-called builders outside of the Building Trades Employers' Association who may have all sorts of arrangements that we know nothing of. Our association does not control the building industry of the city of New York. It does control the labor situation, because when we, as one unit, attack any individual organization, we are, as a rule, fairly well supported by those outside, but so far as any relations between employers are concerned, any secret work that it does, that is absolutely foreign.

Commissioner BALLARD. About what per cent of the number of old building contractors are in your association now?

Mr. EIDLITZ. That I could not tell you.

Commissioner BALLARD. Do you know about?

Mr. EIDLITZ. I can't, for instance, tell you in one trade. I can tell you this: There are some trades where we control pretty well the reputable houses, so-called. Now, I don't want by that to throw out any disparaging remarks. I don't want you to consider that as a disparaging remark on the ones outside, except that the ones on the outside have not seen fit to come in, nor to live up to the mandates. They want to play the game on their own hook. So I used it simply in that way.

Commissioner BALLARD. Do you think you have a third of all of them in your association?

Mr. EIDLITZ. No; I should think not. Not of all of them. For instance, I can cite you, as far as the master plumbers are concerned, the master plumbers in New York number between four and five hundred. There are at least 450 in the Fifty-eighth Street organization, and we have about 40 of those. Now, consequently, we do not control the master plumbers' association. But the houses who constitute this 40 may employ 50 per cent, or perhaps, even at times, 60 per cent of the union labor in the city. That is the point—

Commissioner BALLARD (interrupting). I was going to ask you what per cent do you think of all union labor is employed by your organizations as compared with the rest?

Mr. EIDLITZ. It varies so in the different trades, Mr. Ballard, it would be absolutely impossible to give that in a general way. I would say probably—I don't think it is too much to say that at the present time there is probably more

brick laid by members outside of our association in the city of New York than inside.

Commissioner BALLARD. Just one more point, now; now, back to this question of districting the city. As to whether your association or any of the officers, of your association divides the city into different districts, whether you would consider any member or any person who would thus endeavor to control the work in a given district, whether you would consider that against the spirit of your organization and any member would be disciplined who would do that?

Mr. EIDLITZ. Yes, sir; it is right in the preamble of our constitution that that is prohibited.

Commissioner BALLARD. Well, Mr. Chairman, that is all, I think, sir.

Chairman WALSH. Have you something you wish to ask, Mr. Garretson?

Commissioner GARRETSON. I want to ask one question brought out or suggested by Mr. Ballard. Take this plumbers' agreement, Mr. Eidlitz. It is purely as between the manufacturers of plumbers' supply and contracting plumbers, and has no relation whatever to the union question?

Mr. EIDLITZ. No; none at all.

Commissioner GARRETSON. It is a trade agreement—that is, a commercial agreement?

Mr. EIDLITZ. A trade agreement between the employers and manufacturers—the wholesalers and the jobbers.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any others who wish to ask questions?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Mr. O'Connell would like to ask you something, Mr. Eidlitz.

Commissioner O'CONNELL. In the organization of these dual unions that have been formed by your association, were they formed by men employed in the place of the men who had gone out on a strike or were they formed by men who were former members of the organization?

Mr. EIDLITZ. Why, some of both, Mr. O'Connell.

Commissioner O'CONNELL. Who organized them, or with whom would they affiliate?

Mr. EIDLITZ. Why, eventually, they are affiliated with their internationals of that trade. Sometimes it took some time to do it. Sometimes it was a matter of two years or three years. We had a condition here where we had an organization of plasterers for about three years that worked only for the members of our association; and there was another organization of plasterers, the remnant of the original plasterers that we were fighting, that was working up in Harlem, and other places—about 500 strong; and the other union was about 1,500 strong, working for us.

Commissioner O'CONNELL. Then, until such time as they did become affiliated with an international union they were purely local, of course?

Mr. EIDLITZ. Yes, sir.

Commissioner O'CONNELL. And they were largely, then, in the domination of your association, having no general head?

Mr. EIDLITZ. Oh, I don't think so. You see, there has never been any attempt on—I don't think you can talk about domination, Mr. O'Connell, unless there is an attempt to get men to give you something that the union did not give you and for less money. Now, there has never been any fight, so far as the New York contractors have been concerned, about trying to change any conditions—at least, that is a minor point. There have been a few in one or two cases where before they would agree to resume work on the old basis there were certain abuses that had crept in which were eliminated. But in most cases where you talk about the fight was between the unions and nonunions, and because of the employer apparently having the upper hand was willing to make a sacrifice, and in purchasing his labor for less money than he would prior to the fight. Now, we have always gone on the basis that we want to do business with union men; but they have got to play fair with us or we will make them.

Commissioner O'CONNELL. You have a particular way, though, in which you wanted them to play?

Mr. EIDLITZ. Wanted them to play simply fair and live up to the trade agreement.

Commissioner O'CONNELL. You would not treat with them unless they were part of the trade agreement with you?

Mr. EIDLITZ. No, sir.

Commissioner O'CONNELL. Then, you say if they did not become parties to that agreement, you would organize a dual union?

Mr. EIDLITZ. Oh, that happened 10 years ago or 11.

Commissioner O'CONNELL. But I am talking about—

Mr. EIDLITZ (interrupting). The only thing, sir, is—I think you are trying to give a coloring to this discussion, which is hardly fair. Still, that is your privilege.

Commissioner O'CONNELL. You say you are heartily in favor of dealing with the unions and treating with them. You do treat with them and make no other agreements where there is recourse to unions?

Mr. EIDLITZ. Yes; I am in favor of it.

Commissioner O'CONNELL. That is your impression or the general opinion of your association, is it, because they are making the contract with them?

Mr. EIDLITZ. And there is a reason for it.

Commissioner O'CONNELL. Have you any idea what percentage of the building-trade workmen in New York are working under contract?

Mr. EIDLITZ. Why, I should say, sir, that there are some nonunionists in every one of the trades. But I should doubt—it varies in percentages according to the different trades. But I should think that New York was probably 90 per cent organized, when you leave out the honesmiths and the paliters.

Commissioner O'CONNELL. This commission is instructed under the law to ascertain the underlying causes for industrial unrest and to make some recommendations, and so forth. Have you given any thought, Mr. Eidlitz, to what would be an ideal plan, or something to be recommended to Congress to relieve in a general way the condition of unrest and of avoiding strikes and lockouts and those things that cause friction?

Mr. EIDLITZ. Well, I think in the industrial relations something in general on—not necessarily identical—but along the lines of this plan we have had in operation as it has worked out, I think, more advantageously than any plan of that kind that I have seen yet, because it has crystallized many of these disputes and removed them from the arena of the war.

Commissioner O'CONNELL. Have you had any long drawn-out contest as to agreements in the association with employees wherein the question of trades has not been settled for some time and you finally could not settle it under your plan?

Mr. EIDLITZ. Well, I think if you eliminate the question of wages, I think we have been fairly successful in 99 per cent of the cases that came under it.

Commissioner O'CONNELL. But the plan itself does not appear as final. In other words, there is no third person or odd number of persons in it.

Mr. EIDLITZ. Well, in many cases it does provide for an arbitrator in one of these points of contest. Several of them have gone to an umpire for final decision, everybody conferring, and it has been put up to the umpire.

Commissioner O'CONNELL. The proposition itself does not make that absolutely essential, though; that is, for mutual agreement, if one is submitted to arbitration?

Mr. EIDLITZ. Yes, sir.

Commissioner O'CONNELL. So, if you should lock horns, to use that term, and nobody would agree, then the trouble would stand—

Mr. EIDLITZ (interrupting). Well, of course, if a man don't want to play, you can't make him play. The only thing to say is, "If you don't play, we are not going to give in on this proposition unless you want to try it out in a fair way, and we are perfectly willing to try it that way and to agree on an umpire. Now, if you don't, if you go out and make any attempt to work, we are going to get you, and that is all." By getting him we mean that he is not going to work for this Building Trades Employers' Association if we can help it, and so far we have stopped it. That is why I have said all the way through that the relation between employer and employee, both sides want to be thoroughly organized, and every act of one toward the other wants to be tinged with apprehension. Now, you have got that, and that is the whole secret of the relation between employer and employee, so far as I have been able to say after 30 years of observation of it.

Now, that other question you asked there, sir. I would like to say this: I do consider that so far as public carriers are concerned, where there is a difference between their employers and employees on a public carrier, public transportation, public utilities, that there ought to be a tribunal with compulsory powers to settle it, because of the loss to the innocent participator in the trouble, which is so infinitely greater than it is in any industrial dispute. So far as the industrial dispute is concerned, I have come to the conclusion that it would be a wonderful and an admirable thing to have an outside court

or committee appointed who would be voluntarily called upon in case of industrial disputes, and could be—

Commissioner O'CONNELL (interrupting). You go so far as public transportation in that line, and after that you are not in favor of compulsory arbitration?

Mr. EDLITZ. Yes, sir.

Commissioner O'CONNELL. But you would not go all the way?

Mr. EDLITZ. How is that?

Commissioner O'CONNELL. All down the line?

Mr. EDLITZ. No. I say in industrial disputes I think there should be a commission who could be called in in any industrial disputes when they have arrived at the point where it is either a question of strike or lockout; and then there should be a committee that the saner minds on either side could appeal to, composed of outsiders and disinterested individuals, to whom they would say, "Come in here and rule on this, and we will do whatever you say." Now, sometimes when a body of employers and a body of employees are scrapping with each other they get to the point where they see only red on both sides, and then if somebody is introduced from the outside, whose freedom from bias can not be questioned, they might be ready to let him rule on the question, or to let that commission rule on the question, rather than to get into a warfare where they know that both sides are going to suffer very seriously.

Chairman WALSH. Mr. Garretson, did you want to ask anything?

Commissioner GARRETSON. Yes, sir; I do on that statement. You don't believe that compulsory arbitration is good in anything except the transportation business?

Mr. EDLITZ. Public utilities, I said, Mr. Garretson.

Commissioner GARRETSON. I misunderstood you. I understood you to say in the transportation of the country.

Commissioner O'CONNELL. He mentioned railways and public utilities.

Mr. EDLITZ. Public utilities, I said. Electric-light plants and such things is what I mean; electric-light plants and gas and—

Commissioner GARRETSON. Then you did not mean railroads?

Mr. EDLITZ. Well, I do very specifically mean the railroads; yes, Mr. Commissioner.

Commissioner GARRETSON. Well, that is the question I asked you.

Mr. EDLITZ. Well, I'm on record as subscribing to that, and you know it.

Commissioner GARRETSON. I know that is true. In other words, you believe in depriving the largest industry of the country, the one that involves the most men, of the rights that every other class of labor has in the public good?

Mr. EDLITZ. Yes, sir.

Commissioner GARRETSON. You would handle 5,000,000 men in a way that you do not believe that the average man should be for the benefit of the balance of society?

Mr. EDLITZ. Well, things, you know—all things, Brother Garretson, are according to the size of the interests involved. There are a whole lot of things that get by where they are not absolutely crucial.

Commissioner GARRETSON. Certainly.

Mr. EDLITZ. But where it becomes a question, as it did three years ago, whether 52 railroads here in the East should cease work and deprive 40,000,000 people of their supplies and of the essentials to the women and children, who would be deprived in that regard, and the whole thing depending upon the say so of whether or no that should happen, should depend upon the will of two or three men, it becomes a question of whether or not, before allowing a situation of that kind to come up, it does not give more power into the hands of the labor side than is due, or is ever exercised by any of the so-called capitalists or money kings.

Commissioner GARRETSON. Oh! That is what it resolves itself into in the long run—that the public good will be secured on the same basis that it is said the public salvation is secured, by vicarious atonement. That is what it amounts to—5,000,000 people up for the good of the others.

Mr. EDLITZ. The only point to that is this: Those 5,000,000 know when they go into that business that they are going into a hazardous business to start with. They know that.

Commissioner GARRETSON. They have testified to it.

Mr. EDLITZ. They did. One moment! They are going into a hazardous business to start with, and also know, if they look up the records at all, that

as an industry they are now being paid better than any industry in the country. Now, that may be, that they should be, on account of the hazard they take, but they know that is the fact. They also know that things do not go back. It has not been the history of the wage scale of this country that it retreats—that it goes back. That has not been the history of the wage scale since organized labor started, that it goes back.

Commissioner GARRETSON. That is, some men have never gone back, I suppose, in times of depression?

Mr. EIDLITZ. No.

Mr. GARRETSON. Well, the wages of those railroad men, transportation men, have they never gone back when a depression was on?

Mr. EIDLITZ. Well, have they?

Commissioner GARRETSON. They have.

Mr. EIDLITZ. Well, it has been in isolated cases.

Commissioner GARRETSON. Not isolated, but general. There has never been but one depression where those organizations were strong enough to prevent that, and where they did not, and that was 1907.

Mr. EIDLITZ. 1907?

Commissioner GARRETSON. 1907. I want to ask you what bearing, Mr. Eidlitz, that has on the question of the inherent right a man has?

Mr. EIDLITZ. None, whatever. You are quite right on that.

Commissioner GARRETSON. That is all.

Chairman WALSH. You stated you were in favor of collective bargaining, and the reason for it; and you stated, also, in answer to Mr. O'Connell, that it was well to have both sides apprehensive.

Mr. EIDLITZ. Of one another.

Chairman WALSH. Please state why that is your position.

Mr. EIDLITZ. The question of collective bargaining is a question of making arrangement with skillful men in a given industry. I am talking now with reference to the building industry. We have to build quickly. We have to be in a position to gather at a moment's notice skillful men, and that is not possible unless you have organizations of skillful men with whom you are in agreement, and whom you know you can call upon to supply the labor needed.

Chairman WALSH. That is the reason—

Mr. EIDLITZ. (Interrupting). That is the reason why I believe in collective bargaining. Furthermore, I do believe that is not absolutely so in the case of every individual, but I do believe that the average intelligent workman who has ability drifts to the organization that he believes will get him the best conditions and the best wage. There are a few who may differ from that and believe that they want to stay on the outside because it is against their Americanism to join an organization; but the majority of the organization who are intelligent and have ability in their crafts are organized. I do not say there are none outside, but if you want to get men able to do what they are supposed to do you have got to look for them in the ranks of organized labor.

Commissioner BALLARD. Let me ask one question. You say the printers are less well organized than members of the other trades—building trades?

Mr. EIDLITZ. Yes, sir.

Commissioner BALLARD. Suppose you were building some large building and they bring on some nonunion painters, would they be allowed to work?

Mr. EIDLITZ. No, sir; we would not bring them on.

Commissioner BALLARD. You employ only union men. One other question: If there be a jurisdictional dispute, as I heard a few days ago there was in the electrical elevator business, do you claim the right to make your arrangement before that is settled? Is there any way of forcing those trades to come to an agreement quickly rather than to stop building as to all the workmen?

Mr. EIDLITZ. Well, we don't have that stoppage that you talk about. So much on that. The men realize that there is no object in stopping. What they want in most cases is a decision of what is going to obtain in the future; and in many cases, where work has been going on in a certain way, and a question now arises as to a spread-over, so that it becomes a matter for jurisdictional investigation, or reaches the stage of a jurisdictional dispute, an arbitration is held, and the work goes right on. It may take four weeks or six weeks or longer to settle it, but the building proceeds. We will not arbitrate with men who are on a strike in the building industry. The men have got to go back or there is no arbitration.

Commissioner BALLARD. That is all, Mr. Eidlitz.

TESTIMONY OF MR. ROSWELL D. TOMPKINS.

Mr. THOMPSON. State your name and residence, please, Mr. Tompkins.

Mr. TOMPKINS. Office, No. 154 East Fifty-fourth Street; home address, 509 West One hundred and fifty-seventh Street. At present, I am secretary-treasurer of the executive committee of the United Trades Business Agents of Greater New York, and also Long Island; and also secretary-treasurer of the United Trades Business Agents of Manhattan and vicinity.

Mr. THOMPSON. How long have you been secretary of those respective bodies?

Mr. TOMPKINS. Ten years for the United Trades Business Agents of Manhattan.

Mr. THOMPSON. I understand you took part in the contest which led to the adoption of the arbitration plan, Mr. Eidlitz spoke of; is that correct?

Mr. TOMPKINS. As a representative of the tile layers' union.

Mr. THOMPSON. Now, you heard Mr. Eidlitz's testimony, did you not?

Mr. TOMPKINS. I did.

Mr. THOMPSON. Have you anything in respect thereto in which you differ with Mr. Eidlitz?

Mr. TOMPKINS. I will coincide with the statements made by Mr. Eidlitz in regard to the beginning of the plan and the operation of it up to a certain extent. The dissolution of the committee I don't know anything about. I was not a delegate at the time to that body.

Mr. THOMPSON. Then so far as you know of that plan you agree with his statement of the facts?

Mr. TOMPKINS. I do, yes.

Mr. THOMPSON. Mr. Tompkins, in your experience as secretary of this United Trades Business Agents, you have come more or less in contact with jurisdictional disputes, have you not?

Mr. TOMPKINS. Many of them; yes, sir.

Mr. THOMPSON. You have known their nature, etc., as they have come up?

Mr. TOMPKINS. Any complaint that has been filed in the board, I am aware of it; yes, sir.

Mr. THOMPSON. Do you think that a national body, or a body of men who would have jurisdiction over the entire country, would be able to take up and determine jurisdictional disputes?

Mr. TOMPKINS. I do not.

Mr. THOMPSON. For what reason?

Mr. TOMPKINS. The local conditions of the different cities and different States are not the same. That would be one preventive, in my opinion, of an international body trying to settle jurisdictional disputes. In many cities and in many States there are introductions in the building trades that do not appear in other localities. I might state that there are appliances and things used by the mechanics in the building trades here in the city that are not used by other mechanics in other cities and States.

Mr. THOMPSON. Couldn't such national bodies make allowance wherever there are appliances used, as there are here, which are different from the ordinary run of cities?

Mr. TOMPKINS. Nationally, I do not believe they could.

Mr. THOMPSON. Could they not also standardize building conditions, so far as they would relate to the matter in dispute?

Mr. TOMPKINS. I do not believe there could be a standardization in the building trades in regard to jurisdictions any more than there could be in the setting of a prevailing rate of wages. I might illustrate that by saying that in the State of New York here we have a standard rate, or what is known as a prevailing rate of wages. There is a labor law in this State. In many States of the Union there is no law that covers a prevailing rate.

Mr. THOMPSON. What do you mean—no law?

Mr. TOMPKINS. No State law. We have in the State of New York a State law calling for a prevailing rate of wages and an eight-hour workday. In many States there is no such thing.

Mr. THOMPSON. You mean that relates to public buildings, does it not?

Mr. TOMPKINS. To the public buildings, or municipal or State work.

Mr. THOMPSON. But there is no prevailing minimum-wage law or eight-hour day with relation to industry generally in the building line, is there?

Mr. TOMPKINS. There is a minimum rate in all industries in organized labor in the building trades.

Mr. THOMPSON. No; but I mean not by State law?

Mr. TOMPKINS. Not by State law. I might add to that that the building trades of this city submit, for approval to the board of estimate and apportionment in this city, the prevailing rates set by the building-trades union, with their employers, for the incoming year, or two years, or three years, or whatever the length of the trade agreement is; and if, upon investigation, if there are among the mechanical trades in the employ of the city or working upon municipal work 90 per cent of those mechanical trades will be up for discussion and investigation, and there will be a finding by the board of estimate and apportionment that will be set as the prevailing rate where the presentation is found to be correct.

Mr. THOMPSON. That is, under the State law?

Mr. TOMPKINS. Yes, sir.

Mr. THOMPSON. I understand that. Now, Mr. Tompkins, specifically tell us why, in your opinion, a national body could not determine jurisdictional matters for the country at large and standardize jurisdictional disputes? Take the trades in which disputes have arisen.

Mr. TOMPKINS. Well, I will state that the city of New York here we have an organization known as the house shorers and movers. I do not believe anywhere else in the United States there is another organization of like character. That is distinctive. The house shorers and movers probably have connections in other cities with other local bodies; but in this city it is a distinctive industry itself, and has been for many years.

Another instance that I will cite is the bluestone cutters' organization, as it exists in this city and has existed for over 50 years. It is distinctive in itself. In no other city do I know where there is a distinctive organization of bluestone cutters.

Mr. THOMPSON. What do you mean by that?

Mr. TOMPKINS. Bluestone cutters are those who work upon flags, curbing, and the bridges running from sidewalk to sidewalk across the street. I might state that it has been decided by a national body that this plan of making flugging, bridging, and curbing—that is the correct name for it—belongs in another department of industry; and still they are not in a position in that national body to enforce that jurisdiction, which they have given to another international association.

Mr. THOMPSON. Well, Mr. Tompkins, take that illustration there as typical of the situation. There is nothing inherent in the business of bluestone cutting that separates that from other stonecutters, is there?

Mr. TOMPKINS. Yes; it is a specialty.

Mr. THOMPSON. Yes; but even a specialty, why would that prevent their association with other types of stonecutters; for instance, a local, perhaps. To direct your mind to exactly what I mean, take the tailors as against the cloak industry in this city. Some of the tailors are machine workers and could not sew with their hands. There are other people who are sewers with their hands who could not run machines. There are cutters, who could neither run machines nor could they sew. Yet those different people organize as separate locals of some international and adjust between themselves any questions of jurisdiction which may arise, as sometimes does, between the cutters and trimmers, who are very close together. Now, that actually exists here in this city. There are more employees, perhaps, than there are in the building trades. I just give you that to illustrate my line of thought. Now, why could not the bluestone cutters become a local in the International Stonecutters' Union?

Mr. TOMPKINS. My opinion is—

Mr. THOMPSON. Just a moment. Where they are within the union itself there could be an adjustment of any jurisdictional point that might arise between the locals.

Mr. TOMPKINS. My opinion is that the bluestone cutter would not become nationally affiliated—that is, under the conditions that have been presented—owing to the fact that he has built up that industry here in the city and has maintained it and has a record, as I have stated, for over 50 years as a bona fide labor organization.

Mr. THOMPSON. That would be the reason—

Mr. TOMPKINS (interrupting). And they are jealous concerning their industry, which they have brought up to its present condition.

Mr. THOMPSON. I understand your point, then. Now, with reference to the tile layers' association, of which you are a member, what is the name?

Mr. TOMPKINS. Ceramic, mosaic, and caustic tile layers and helpers.

Mr. THOMPSON. International organization?

Mr. TOMPKINS. International organization.

Mr. THOMPSON. And with a union all over the country?

Mr. TOMPKINS. I might say the tile layers were first organized in this city in December, 1883. I am a charter member of it and was three years in the business prior to them becoming organized in this city. They were known as the mosaic and caustic tile layers and helpers of New York and vicinity. In 1886 they separated. The tile layers formed their local under the Knights of Labor and the helper formed his own local under the Knights of Labor. The international union was formed about 1903 or 1904. Prior to that it was a local attachment chartered under the Knights of Labor.

Mr. THOMPSON. What proportion of the men in the trade in New York City are in your union, if you know?

Mr. TOMPKINS. Ninety-eight per cent.

Mr. THOMPSON. How large an organization have you got in this city, if you know?

Mr. TOMPKINS. On the mechanical end of the tile layer, 500.

Mr. THOMPSON. Have you trade agreements with employers' associations?

Mr. TOMPKINS. We have.

Mr. THOMPSON. With what association?

Mr. TOMPKINS. With the tile, grate, and mantel association.

Mr. THOMPSON. Any other organization?

Mr. TOMPKINS. Only with the tile dealers.

Mr. THOMPSON. What are your working conditions, hours of labor, and the rate per day of wage?

Mr. TOMPKINS. The working conditions are eight hours a day with the exception of Saturdays, when the men stop work, cease work, at 12 o'clock noon. The pay they receive is five dollars and a half per day, double time for all overtime, or between the hours of 5 p. m. and 8 a. m., Sundays and legal holidays included. We do not permit any of our members to work on a Saturday afternoon between the hours of 12 noon and 5 p. m.

Mr. THOMPSON. Have you any rule with reference to superannuated workers?

Mr. TOMPKINS. We have.

Mr. THOMPSON. What are they and why are they?

Mr. TOMPKINS. A superannuated member of the tile layers' union must have been 20 years a member of the union and have attained the age of 55 or over. He applies then to the executive board, who examines his record to find out that he has been a member for 20 years or over. Then he is permitted to make arrangements for \$1 a day less. Only one man allowed to each shop, superannuated.

Mr. THOMPSON. Has that resulted in keeping these workers at work?

Mr. TOMPKINS. It has.

Mr. THOMPSON. What is the regularity of employment in your industry in this city? Are your members pretty regularly employed all the year through or what are the seasons, if any?

Mr. TOMPKINS. Well, I might state that for the last six months it has been very bad, but prior to that, why, the men were pretty regularly employed. I might state that our members go all over the United States and Canada and down through South American countries, and every thing, pretty regularly employed except within the last six months.

Mr. THOMPSON. For a normal year, about how many months' work do they have work, a normal year, a full year?

Mr. TOMPKINS. They will average about 10 months.

Mr. THOMPSON. What arrangements have you for benefit to your membership in the way of sick, accident, out-of-work, and strike benefits?

Mr. TOMPKINS. We have no regular sick benefits or out-of-work or accident benefit, but if any of our members are incapacitated through injuries or anything, we give them relief. That is, it is voluntary relief. We have a mortuary fund that we allow the beneficiaries \$350.

Mr. THOMPSON. I might say, Mr. Tompkins, have you got a printed copy of your constitution and by-laws?

Mr. TOMPKINS. No; I have not with me.

Mr. THOMPSON. Can you furnish the commission with them?

Mr. TOMPKINS. The secretary of the union will do so upon application.

Mr. THOMPSON. That would contain all these points, would it not?

Mr. TOMPKINS. Yes, sir.

Mr. THOMPSON. Is there any limitation or restriction in regard to the initiation of future members in your union?

Mr. TOMPKINS. We have a helpers' system which compels the helper to serve four years. That is an international rule. And unless that helper applying for advancement produces a document showing he has been a bona fide helper for four years in an international local of helpers, the application will not be entertained.

Mr. THOMPSON. What is your initiation fee to helpers and to others who come in who have not been helpers?

Mr. TOMPKINS. The initiation fee is \$100, \$55 payable by the applicant and \$50 by the helpers' local that he advances from, payable at the end of six months.

Mr. THOMPSON. What is the initiation fee to people who have not been helpers and who come in?

Mr. TOMPKINS. One hundred and fifty dollars to the general fund and \$50 to the mortuary fund.

Mr. THOMPSON. That is, initiation fee of \$200?

Mr. TOMPKINS. Yes.

Mr. THOMPSON. Why is it that your initiation fee is made so high in your union?

Mr. TOMPKINS. The initiation fee of the tile layers has been put up to the present figure owing to great good that has been derived by members. That is, I might state that we have a system of loaning money to our members who are in distress and helping them out and aiding them, which, of course, is returnable, without interest or anything, within a specified time. And we have found out that on the initiation fee that we formerly used to charge, I might say we have advanced it from \$25 up to the present figure—that is, \$25, then it went to \$50, \$75, and a hundred, and so on. We found it was necessary in order to maintain the high standard that we were trying to accomplish—that is, to aid and assist our members—it was necessary to charge this fee to any new applicants to help out in doing the work we have started out to do.

Mr. THOMPSON. Does not the initiation fee of \$200 paid by your workmen practically amount to keeping them out of the union?

Mr. TOMPKINS. Not at all.

Mr. THOMPSON. Can he pay this \$200 in installments?

Mr. TOMPKINS. It is paid in installments.

Mr. THOMPSON. What are the installments he is permitted to pay?

Mr. TOMPKINS. He pays \$5 per week for every week that he works, and if he can show that he has not worked a week then there is another week extended for that \$5 payment.

Mr. THOMPSON. In other words, it does not require the payment down of \$200?

Mr. TOMPKINS. No; it does not.

Mr. THOMPSON. Five dollars is the amount required?

Mr. TOMPKINS. The first requirement made is \$50 to the mortuary fund, which makes him eligible in case anything should happen, or his beneficiary eligible immediately to that fund.

Mr. THOMPSON. And on the balance of \$150 he only has to pay \$5 a week?

Mr. TOMPKINS. Yes.

Mr. THOMPSON. Has your union any policy with reference to the initiation of aliens or negroes?

Mr. TOMPKINS. I will state that we do not take into the tile layers' union any aliens. That is to say, our requirements for membership in the mechanics' union; that is, the tile layer must either be a citizen or have declared his intentions of becoming such. On the negro end of it, I might state that we only had one application from a negro, and he is now a member in good standing and has been for several years.

Mr. THOMPSON. Have the books of your union ever been closed to the admission of members, and what were the conditions and for how long were they kept closed?

Mr. TOMPKINS. Our books have never been closed. There have been applications come from various people, but it is when the books have been in the hands of the auditors, and, of course, they were not available for opening up and taking in any applicants at that time.

Chairman WASH. For how long a period would that be?

Mr. TOMPKINS. About three months.

Mr. THOMPSON. Does that occur very often? How often do you have your books examined by the auditors?

Mr. TOMPKINS. Every three months.

Mr. THOMPSON. Every three months. And for how long a period, just a day or so?

Mr. TOMPKINS. No; sometimes the auditors will hold the books probably for three months, but that has not been where there has been any applicants, probably, in five or six years, where applications have been made while the books have been in the hands of the auditor.

Mr. THOMPSON. You have the books examined every three months by the auditors?

Mr. TOMPKINS. Yes.

Mr. THOMPSON. And how long on the average will they keep the books?

Mr. TOMPKINS. I might state that I am chairman and have been chairman of the board of auditors for the past eight years. We generally can make a report inside of two weeks. I might state the reason they keep them longer, if we have to do it, is in case of discrepancies occurring between the financial secretary and a member over a question of the stamps on his cards or something of that kind, and we have to investigate it.

Mr. THOMPSON. Then on an average about two months in every year your books are closed to receiving members?

Mr. TOMPKINS. About that time.

Mr. THOMPSON. Do the auditors ever keep the books in their hands for a longer period to keep out the admission of new members?

Mr. TOMPKINS. Never to my knowledge.

Mr. THOMPSON. Are the members of your union working for other employers than those with whom you have the contract which you mentioned?

Mr. TOMPKINS. We will work for any employer that pays us the prevailing rates of wages or the amount according to conditions in our trade—that we have with our employers, the tile dealers.

Mr. THOMPSON. When in your agreement with your association you say that your union agrees that its entire membership is at the disposal of the tile, grate, and mantel association, if required, what is that understood to mean?

Mr. TOMPKINS. We might have 50 or 75 members working for what we call the independent dealer, who has an independent agreement similar to the one we have with the association, and if the tile dealers' association calls upon us for more men, we then call those men in from those independent dealers.

Mr. THOMPSON. And they are taken off the work of the independent dealers?

Mr. TOMPKINS. Yes; that is the agreement.

Mr. THOMPSON. Do you wait until the work is finished or do you call them off at any time you please?

Mr. TOMPKINS. We call them off—give them at least a week's notice.

Mr. THOMPSON. Will the members of your union work for other employers in New York City outside of those in the association you have made the agreement with?

Mr. TOMPKINS. The members of our union will work for any legitimate tile dealer.

Mr. THOMPSON. Anywhere?

Mr. TOMPKINS. Anywhere.

Mr. THOMPSON. Has your organization in its by laws or its rules or in any of the resolutions which it has passed, any restriction on the output of the work of a member?

Mr. TOMPKINS. Not at all.

Mr. THOMPSON. How do you interpret this rule which is part of your by-laws: "Each and every member will be expected to do a fair day's work, and if on any job it is the judgment of the other members working on said job that any individual member who is found working detrimental to the interests of other members on that job a complaint must be filed immediately by the business agent against the member complained of, and if found guilty shall be removed from the job."

Mr. TOMPKINS. The interpretation of that is this: A job might be working with probably 8 or 10 men, probably for three or four weeks, going along very nicely, and another new man is introduced on the job. This man starts in to speed it up, as they call it. Probably for three or four weeks prior to the admittance of this man in on the job everything has been going along very nicely, no fault found by either the employer or the foreman, and this man starts out and probably will put in a certain amount a day of work on the job, and it is found out that he is getting probably 50 or 75 cents on the side for doing it. Now, that is what that clause covers.

Mr. THOMPSON. Well, assume that he is not being paid anything extra on the side, but is working faster than your members think he ought to work, he still would come within this rule, wouldn't he?

Mr. TOMPKINS. He would come within that rule and, upon complaint, be removed from that job.

Mr. THOMPSON. Who decides whether he is working faster than he ought or not, the local union?

Mr. TOMPKINS. The local union—the men on that job.

Mr. THOMPSON. Does the manufacturer or contractor have any voice in it?

Mr. TOMPKINS. No voice in it at all.

Mr. THOMPSON. Do any of the employers of New York City complain of that rule or the enforcement of it, in any case?

Mr. TOMPKINS. Not to my knowledge.

Mr. THOMPSON. That is all.

Commissioner GARRETSON. How many local unions are there in this territory affiliated with either national or international unions, are there any?

Mr. TOMPKINS. The tile layers?

Commissioner GARRETSON. No; all the trades in general; the building trades?

Mr. TOMPKINS. There are probably four or five local unions in New York City that are not affiliated with national or international unions.

Commissioner GARRETSON. They are supreme to themselves?

Mr. TOMPKINS. They are individual, what we call individual locals.

Commissioner GARRETSON. Is that caused generally by the fact that the regulations won't admit them to their international unions of that craft in existence of those crafts?

Mr. TOMPKINS. No; not at all.

Commissioner GARRETSON. But there isn't any—

Mr. TOMPKINS. (Interrupting) No; I am stating that our individual craftsmen of an individual union have no national or international together.

Commissioner GARRETSON. Are there any here of which there is an international union that are not affiliated?

Mr. TOMPKINS. Not to my knowledge.

Commissioner GARRETSON. In regard to the initiation fee that is charged, does your organization assume that the benefits in which the men become an equal partner are equal to value received for the amount that he pays; is that the idea underlying the thing?

Mr. TOMPKINS. That is the idea.

Commissioner LENNON. Are the initiation fees charged in New York City different to what they are in other cities of the country in the international union?

Mr. TOMPKINS. Yes; there is a difference. I believe Chicago has the same rates as New York. There are several of the States charge \$100 or over.

Commissioner LENNON. Well, suppose a member that was admitted for \$100 in some local of your international were to come to New York, would he have to pay another \$100?

Mr. TOMPKINS. He will have to pay the difference between his local initiation fee and our local fee. That is an international rule.

Commissioner LENNON. The international rule?

Mr. TOMPKINS. Yes.

Commissioner LENNON. I want to ask you a question or two about your jurisdiction matters. Take the matter that is now at issue between the bricklayers and the marble workers. What is there particularly peculiar in that situation in New York that is different from anywhere else that it could not be settled nationally just as well as locally? What is there in that situation that appears to you different?

Mr. TOMPKINS. I would rather that question be asked of workers in that trade themselves.

Commissioner LENNON. I don't mean for you to indicate anything as to how it ought to be settled. I don't mean that.

Mr. TOMPKINS. If I were to give my personal views upon it I would state if I was a marble worker and had learned my trade here in the city or in any other part of the United States as a marble worker, I certainly would object to any other body interfering or coming in or trying to absorb that particular industry at which I had learned my trade.

Commissioner LENNON. I would not question you on that phase of it, because it would not be right for me to do so. What I want to get at is this, why could not the same sort of settlement, whatever it might be, of that jurisdictional dispute, be the same in the city of New York as it would be in Detroit or St. Louis or San Francisco or New Orleans? Why should there be any difference when a settlement is finally reached? Why can not it be the same all over the country?

Mr. TOMPKINS. That is a question that I could not answer.

Commissioner LENNON. You have only observed it in New York?

Mr. TOMPKINS. I might state here, we know the marble worker as the mechanic of that craft, and we know the bricklayer does not do that work.

Commissioner BALLARD. You spoke of letting one old man in each shop. Suppose there were more old men than shops; what would you do with the others allowed to work for a dollar a day less?

Mr. TOMPKINS. I will state here at the present time, in our last report, which was in April, that is our quarterly report, we had 11 superannuated members, and we had in the neighborhood of about 55 or 56 shops. So you see there is a big scope or a big room; if others want to superannuate themselves they can do so on application.

Commissioner BALLARD. You spoke on the fact that if any members of the association of employers wanted a tile worker and you had tile workers working at other places, they would be called off, some of these members. Why do you give that preference to these members of the employers' association?

Mr. TOMPKINS. That is our agreement that we have with the employers' association, a system of improvership, and it is through that agreement there that we guarantee to supply them with all the mechanics they need. That approprate system we do not permit with the independent employer.

Commissioner BALLARD. Will your people set tiles in a building where any nonunion men are at work?

Mr. TOMPKINS. You mean nonunion tile layers?

Commissioner BALLARD. Nonunion workmen on any other work?

Mr. TOMPKINS. Our members absolutely refuse to work with any body of nonunion men of any kind if the organized part of that craft call their attention to the fact there are any men of any particular craft there—our men absolutely refuse to work alongside of them.

Commissioner BALLARD. Is that stated in your constitution, or by-laws, or preambles?

Mr. TOMPKINS. Yes. We fine our members for it; that is, on our own end of it, also.

Commissioner BALLARD. You won't work with a nonunion man at all when he is working on a building you are working on?

Mr. TOMPKINS. Not if complaint comes to the organization.

Commissioner BALLARD. You said for the last few months trade had been pretty dull in your branch. Do your men go and seek elsewhere when their work is dull?

Mr. TOMPKINS. Very few of our members leave New York to seek work elsewhere. We have many members, however, that are sent for from various cities who go where they can be put upon work—we have many men.

Commissioner BALLARD. I mean, for instance, suppose your workmen have no work in New York City and he does not get work elsewhere as a tile layer, will he do any other kind of work?

Mr. TOMPKINS. Well, we have many men that will take motor men's jobs or condactor's jobs, or anything on the railroad, or drive a truck.

Commissioner BALLARD. They will do anything to keep themselves going?

Mr. TOMPKINS. Yes; anything at all.

Commissioner BALLARD. Now, for instance, you say you won't let a nonunion man work on a building with him. Suppose he is out of work and he wants to go to a factory, on a good job in a factory; suppose that is a nonunion factory, he would go and work with a nonunion man in that factory, would he not?

Mr. TOMPKINS. I don't recall at any time where any of our men has ever sought any factory work.

Commissioner BALLARD. And suppose they seek any kind of work that is not unionized, they would work with nonunion men, but they would not let a nonunion man work with them in their work?

Mr. TOMPKINS. I don't now think of any nonunion conditions that have arisen of that kind. If they took up truck driving they would attach themselves to the teamsters' union, or if they worked on a railroad—I might state I know many of the men who have worked as conductors on the surface lines of railroads and they have always attached themselves to the organization of employees attached to that kind of work.

Commissioner BALLARD. If they went to work where there was no organization they would not hesitate to do so?

Mr. TOMPKINS. I can not speak for the men who go around seeking that kind of employment.

Commissioner BALLARD. Are there any allied trades that men would be able to work on because they are accustomed to handling tiles—the tile layers, for instance?

Mr. TOMPKINS. No, sir. I might state that the tile layers confine themselves to the jurisdiction of their organization, and it is very remote to have a complaint come from a tile layer interfering or infringing on some other mechanic's jurisdiction.

Commissioner BALLARD. That is all.

Chairman WALSH. Are there any other questions?

(No response.)

Chairman WALSH. That is all; thank you, Mr. Tompkins.

Mr. THOMPSON. I will next call Mr. McCord.

TESTIMONY OF MR. FRANK B. MCCORD.

Mr. THOMPSON. Will you please give us your name, residence, and your occupation?

Mr. McCORD. Frank B. McCord; 101 Park Avenue; vice president of Post & McCord, contractors.

Mr. THOMPSON. Is your firm a member of the Iron League, so-called?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. What is the Iron League?

Mr. McCORD. The Iron League represents fabrication plants and erecting plants for putting up buildings, bridges, and contracting.

Mr. THOMPSON. Is it limited to the city of New York, or does it extend all over the country?

Mr. McCORD. The Iron League is practically in a radius of 25 miles from the city hall. It embraces that jurisdiction. The members are in that jurisdiction.

Mr. THOMPSON. Did your firm in the past have trouble with the structural ironworkers?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. When was that?

Mr. McCORD. I should say it was about 8 years ago.

Mr. THOMPSON. Was it caused by the structural ironworkers refusing to work on your work?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. They believing that you were members of the American Bridge Co.?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. Or owned by them?

Mr. McCORD. Yes, sir.

Chairman WALSH. I did not hear that.

Mr. THOMPSON. That his firm was owned by the American Bridge Co. Since that time have you had any agreement with the structural ironworkers?

Mr. McCORD. No, sir.

Mr. THOMPSON. Are you in favor of or opposed to agreements with labor unions?

Mr. McCORD. I am opposed to an agreement with the ironworkers.

Mr. THOMPSON. But generally are you opposed to agreements with labor unions?

Mr. McCORD. We only have one other union.

Mr. THOMPSON. That is the hoisting engineers?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. With that union you have an agreement, have you not?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. Therefore your attitude on agreements is simply a personal one; that is to say, that with the ironworkers you have not one and you would not have one?

Mr. McCORD. No, sir; I would not.

Mr. THOMPSON. But you are not opposed to making agreements?

Mr. McCORD. Well—

Mr. THOMPSON. To the making of agreements?

Mr. McCORD. No.

Mr. THOMPSON. With the unions?

Mr. McCORD. That is right.

Mr. THOMPSON. Why are you opposed to an agreement with the structural ironworkers?

Mr. McCORD. Because they won't live up to an agreement.

Mr. THOMPSON. That is to say, they did not in the past?

Mr. McCORD. And they would not in the future.

Mr. THOMPSON. Then all that you care to say with reference to the making of agreements with trade unions is what you have said?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. You have no other opinion about it?

Mr. McCORD. No, sir.

Mr. THOMPSON. Have you any opinion as to the best method of settling disputes?

Mr. McCORD. None at all.

Mr. THOMPSON. Between working men and employers?

Mr. McCORD. None at all.

Mr. THOMPSON. You think that is a subject which does not need any attention, I presume?

Mr. McCORD. No, sir.

Mr. THOMPSON. You have not given it any?

Mr. McCORD. We have had peace for eight years, and we never went that long before.

Mr. THOMPSON. Yes, but you have had an agreement with the holsting enginemen, have you not?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. That is part of the peace, is it not?

Mr. McCORD. Well, if they had not worked for us we would have gone on the open shop there.

Mr. THOMPSON. You are a member of the National Erectors' Association, are you not?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. Is that association committed to any policy with reference to unions, so far as contracts are concerned?

Mr. McCORD. I don't know, sir.

Mr. THOMPSON. You don't know?

Mr. McCORD. No, sir.

Mr. THOMPSON. Then your membership of that association has nothing to do with this attitude of yours?

Mr. McCORD. No, sir.

Mr. THOMPSON. A great many disputes do arise in the building trades, do they not?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. How long have you been in the building-trade business?

Mr. McCORD. Well, I have been active about eight years.

Mr. THOMPSON. Active about eight years?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. What were you doing before that time?

Mr. McCORD. I was in the shop.

Mr. THOMPSON. In the shop?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. You were dealing with workmen there, were you not?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. For how many years?

Mr. McCORD. About eight.

Mr. THOMPSON. That makes 16 years in all?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. During those 16 years, Mr. McCORD, nothing has come to your attention that makes you believe that any method should be brought into existence for the settling of disputes between employers and employees?

Mr. McCORD. I think you can always settle with your own men.

Mr. THOMPSON. You do not need any arbitration machinery for that purpose?

Mr. McCORD. No, sir.

Mr. THOMPSON. I think that is all, Mr. Chairman.

Chairman WALSH. Do any of the commissioners wish to ask Mr. McCORD any questions?

Commissioner GARRETTSON. Mr. McCORD, do you employ any members of the Ironworkers' union?

Mr. McCORD. I should probably say yes.

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Commissioner GARRETSON. No discrimination against them in matters of employment or membership?

Mr. McCord. No, sir.

Commissioner GARRETSON. No questions asked when a man comes to you?

Mr. McCord. No, sir.

Commissioner GARRETSON. What is your method of employment? Do you have an employing department?

Mr. McCord. No, sir.

Commissioner GARRETSON. Just catch as catch can?

Mr. McCord. As they come.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Ballard would like to ask some questions.

Commissioner BALLARD. Mr. McCord, when you were placing your men on more or less of a nonunion agreement, can you work on buildings that are being built by contractors who employ union men?

Mr. McCord. Yes, sir.

Commissioner BALLARD. And the union men—the carpenters or painters or other workers—do not object to your structural ironworkers being nonunion?

Mr. McCord. No, sir.

Commissioner BALLARD. I understood from the previous witness that union men would not work with nonunion men?

Mr. McCord. He will have to answer that.

Commissioner BALLARD. You do not find any trouble?

Mr. McCord. No, sir.

Commissioner BALLARD. You, then, can go to any building being built in New York City with your men, who are nonunion perhaps, and find no objection from the other workmen who are union?

Mr. McCord. None at all.

Commissioner BALLARD. Why do you think that the structural ironworkers' union would not live up to an agreement?

Mr. McCord. They never did.

Commissioner BALLARD. Would you care to give any experience you have had with them?

Mr. McCord. Well, take it—go back when we started off on the arbitration plan. They formed a new union and the bosses beat them out, and then these men that they had broke in was taken into the old union, and, of course, they were wiped out right away; they did not get any more jobs. They were killed right then and there. Then this man Ryan came on from the West there and said the arbitration plan wasn't worth anything, and the structural ironworkers were bigger than New York City—they were more powerful—and they were going to stop us from working. They have not stopped us yet.

The same men are at the head of that union as were eight years ago. They have not changed their politics.

Commissioner BALLARD. And you think men work for you alongside of non-union men in your shop?

Mr. McCord. Yes, sir.

Commissioner BALLARD. And where they have one of their shops unionized will they let a nonunion man go into their shop?

Mr. McCord. Sure.

Commissioner BALLARD. Has anything occurred to you that you would like to suggest to the commission that you could recommend as one of the means for ameliorating conditions or friction that would perhaps help the Industrial Commission? Have you thought of any suggestions?

Mr. McCord. I thought of this as a suggestion, that prior to 1902 all the time before that we were having strikes and strikes right along, but for the last eight years the ironmen have not had any trouble at all; they have not made us any trouble at all. Always before that we couldn't go a year without getting into trouble.

Commissioner BALLARD. Now—

Mr. McCord. Now it is peace.

Commissioner BALLARD. Why now and not then?

Mr. McCord. Because Mr. Delegate can not call the men off the job.

Commissioner McCONNELL. Mr. McCord, you were a member of the arbitration plan, too, then?

Mr. McCord. Yes, sir.

Commissioner McCONNELL. Are the ironworkers in the arbitration plan?

Mr. McCord. There is no arbitration plan.

Commissioner O'CONNELL. What?

Mr. McCord. There is no arbitration plan now.

Commissioner O'CONNELL. There is no plan at all now?

Mr. McCord. No, sir.

Commissioner O'CONNELL. The organization exists, does it?

Mr. McCord. Yes, sir; the bosses hold their organization together.

Commissioner O'CONNELL. Is there any working arrangement between the Iron League—

Mr. McCord. And the house-smiths?

Commissioner O'CONNELL. The builders' association?

Mr. McCord. Well, they are just members of it.

Commissioner O'CONNELL. There is no working arrangement?

Mr. McCord. No, sir.

Commissioner O'CONNELL. Would there be any conflict if the building employers ordered one thing done and you did not do it and your league agreed upon another plan?

Mr. McCord. I think we would resign.

Commissioner O'CONNELL. That is all I have.

Chairman WALSH. Are there any other questions?

Commissioner GARRETSON. Your objection lies wholly on the question of keeping faith, Mr. McCord?

Mr. McCord. What?

Commissioner GARRETSON. Your objection lies wholly on the question of keeping faith?

Mr. McCord. They never did.

Commissioner GARRETSON. Well, I say that is what your objection is grounded in?

Mr. McCord. Yes; it is good grounds, too.

Commissioner GARRETSON. You don't know of any employer that ever broke faith with his workmen?

Mr. McCord. I don't know, sir.

Commissioner GARRETSON. Would it be as deadly an offense for the employer to violate faith in the carrying out of an agreement as it would for the employee?

Mr. McCord. I don't quite get what you are driving at.

Commissioner GARRETSON. Well, is what is sauce for the goose sauce for the gander?

Mr. McCord. I suppose so; yes.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner BALLARD. But if the employer should break faith, would you do the same thing, or what would you do to the employer?

Mr. McCord. What will we do to our association?

Commissioner BALLARD. Yes.

Mr. McCord. We would not do anything with him.

Commissioner BALLARD. If an employer broke faith you would not expel him, or would you expel him?

Mr. McCord. I guess some of them broke already in the Iron League, if you want to know, but it doesn't make any difference.

Commissioner BALLARD. That is all right.

Mr. THOMPSON. There are some matters we intended to bring out by other witnesses, but have been touched upon by the examination of the commissioners that I would like to put a question or two on it now.

Chairman WALSH. Very good.

Mr. THOMPSON. You say, Mr. McCord, that other union men work on buildings where your work is put in in this city?

Mr. McCord. Yes, sir.

Mr. THOMPSON. Isn't that due to the fact that at the time the structural iron workers struck on your work some years ago, the other unions in the city held that they were violating their agreement with you?

Mr. McCord. Sure.

Mr. THOMPSON. And refused to stand by them in that strike?

Mr. McCord. Yes, sir.

Mr. THOMPSON. And since that time the structural ironworkers have not got representation on the board of business agents?

Mr. McCord. On the board of business agents?

Mr. THOMPSON. Yes.

Mr. McCord. I beg your pardon, they have.

Mr. THOMPSON. And at least they have not been backed up in their fight by the other unions in this city?

Mr. McCORD. There is no fight.

Mr. THOMPSON. I mean at that time or since. I mean at the time of the trouble the others did not assist in working on your material?

Mr. McCORD. Yes, sir.

Mr. THOMPSON. Although put up by nonunion people?

Mr. McCORD. Sure.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all. Call your next.

Mr. THOMPSON. I will call Mr. Johnston.

TESTIMONY OF MR. JOHN W. JOHNSTON.

Mr. THOMPSON. Mr. Johnston, will you please give us your name and address and your business?

Mr. JOHNSTON. John W. Johnston, 116 East One hundred and fifteenth Street; structural ironworker.

Mr. THOMPSON. What position have you with the structural ironworkers' union?

Mr. JOHNSTON. At the present time I am president of it.

Mr. THOMPSON. President of it?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. How long have you been president of it?

Mr. JOHNSTON. Well, for one year now and at previous times I have held it for a term of six months. And before, I think, about three terms.

Mr. THOMPSON. Were you an ironworker in New York City at the time that your union got in trouble with the firm of Post & McCord?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. Did you hear what Mr. Elditz has said in that respect, as to how the trouble arose?

Mr. JOHNSTON. I heard part of it. I didn't hear all he said.

Mr. THOMPSON. You didn't hear all he said?

Mr. JOHNSTON. No, sir.

Mr. THOMPSON. Tell us briefly, please, how that trouble arose and how you view it from the union standpoint.

Mr. JOHNSTON. The trouble arose through the American Bridge Co. subletting their work to a nonunion firm down here in the Eastman district in Connecticut, I believe it was, and refusing under any conditions to come to any agreement whereby they would not continue to do the same thing, to work union men, or that done the work themselves and sublet the work to nonunion contractors. We believed that as long as they worked our union men themselves that they should have in their contract a union clause whereby the sublet work would also be taken by unions, which they refused to do. Finally the thing went along for a good many months, about seven months, and we brought all the pressure that it was possible to bear, and we did everything to try to get an arrangement with the American Bridge Co. So as to bring more pressure to bear, believing, as we still believe, that the firm of Post & McCord is a subsidiary firm of the American Bridge Co., we called their men off their work. They did try to prove, as Mr. Elditz said, they offered their books and offered us to look over their books and everything of that kind, but from everything that we could find out we believed that they were purely and simply a subsidiary firm of the American Bridge Co. That is about what led up to the calling off of our men from the Post & McCord firm.

Mr. THOMPSON. At that time your union, Mr. Johnston, had an agreement with the builders' association?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. To submit all matters of dispute to this executive committee, and then to this larger committee, did it not?

Mr. JOHNSTON. It had generally been submitted to them for five or six months and they did not give it; no—practically they did not do anything to bring the matter to an issue.

Mr. THOMPSON. Did these two committees refuse to make a decision in your matter?

Mr. JOHNSTON. Well, it laid dormant and never came to a head. They did not refuse to make a decision, but they did not bring anything about whereby we were getting any redress.

Mr. THOMPSON. Did your union push the matter?

Mr. JOHNSTON. Well, in fact it was a national issue.

Mr. THOMPSON. That is the real crux of the situation, isn't it?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. It was a national issue?

Mr. JOHNSTON. Yes, sir. And of course when the national ordered us, or comes here and asked us to call our men off the Post & McCord work—we didn't call them off by the way—we held a meeting of our council and everything was shown at that meeting of the council and a vote was taken by the vote of the council. The international president prevailed to get our men called off.

Mr. THOMPSON. You called them off without waiting for the adjudication of the matter by this arbitration plan, isn't that true?

Mr. JOHNSTON. Yes. Yes, we had—

Mr. THOMPSON. Did you have the support of the sister unions in New York City; did they agree with you upon that action?

Mr. JOHNSTON. As I said, it was a national issue.

Mr. THOMPSON. Yes; but did the other unions, the painters, the bricklayers, the carpenters, and other organizations in New York who were affiliated with you in this New York agreement, agree with you and stand by you in that action?

Mr. JOHNSTON. Well, I believe they did.

Mr. THOMPSON. Didn't they refuse to do that?

Mr. JOHNSTON. But we never asked them to call their men off the work. In fact, the condition of the trade at this time did not warrant calling off the other trades.

Mr. THOMPSON. Since that time has your organization tried to get an agreement?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. With the firm of Post & McCord?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. Of course, you have not been able to do so?

Mr. JOHNSTON. We have tried to get an agreement with the Iron League; that is composed of the New York contractors, but I might state that the Iron League was composed when this trouble arose—the reason that we believe—or I would give it as my opinion, at the time that this trouble arose there was a distinct iron league, and there was also this National Erectors' Association, and this trouble with Post & McCord, the Iron League at that time had to leave, was drove into the erectors' association, the National Erectors; still I believe they are doing business yet under the head of the Iron League.

Chairman WARD. A little bit louder, please.

Mr. JOHNSTON. I say that was what drove the Iron League into the National Erectors' Association, was on account of this trouble which always made us believe that the Post & McCord firm was a part of the American Bridge Co.

Mr. THOMPSON. What help, if any, have the other unions here given you in your efforts to get an agreement? Have you asked them for any help?

Mr. JOHNSTON. Well, yes; we have asked them to intercede for us, but it appeared that we never could get—just like the man who was here ahead of me—he would never listen to anything. He would rather go out of the plan of arbitration and everything else than to have anything to do with the ironworkers. I know many times not only some of the unions, but also some of the contractors of the city of New York, have tried to bring about a plan of agreement between the ironworkers and the employers, but Post & McCord is the stumbling block. They won't have it under any condition, just as he said.

Mr. THOMPSON. What was the attitude of the local structural ironworkers' union with regard to this strike called by the International order or body, if you know?

Mr. JOHNSTON. Well, the majority voted for it, but there were a number who were opposed to it, but the majority voted for it.

Mr. THOMPSON. You are working under open-shop conditions in New York City now, are you not?

Mr. JOHNSTON. Well, the employers call it open shop. We are working at the present time where we can get the prevailing rate of wages and the hours, which the organization demands. We allow our men to work on the conditions that they get the prevailing rate of wages and the hours, and certain allowances for overtime, and all that.

Mr. THOMPSON. But are the nonunion men permitted to work on the same job?

Mr. JOHNSTON. In some cases.

Mr. THOMPSON. Your men work alongside of nonunion men?

Mr. JOHNSTON. We have allowed them to do that since 15 months now.

Mr. THOMPSON. About 15 months?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. Prior to that time did your men work with nonunion workers?

Mr. JOHNSTON. Prior to that time with some firms—with some contracting firms we did allow it; that is, contracting firms that were friendly with ours, but under the provisions of the bosses, or National Erectors' Association, they do keep some nonunion men on the job so that they can call it open shop, and we allowed it to overcome—

Mr. THOMPSON. How many men are there in structural ironwork, if you know, in New York City and vicinity?

Mr. JOHNSTON. I should say in New York and vicinity about 3,500.

Mr. THOMPSON. How many of those belong to your organization, do you know?

Mr. JOHNSTON. We have got five locals in this vicinity; in the five locals I should say there are about 3,000 members.

Mr. THOMPSON. And so far as you know, there are only about 500 nonunion structural ironworkers working on buildings in New York City?

Mr. JOHNSTON. Well, I should say there was not that much; but the men that are working nonunion on the structural ironwork are only the men they pick up, as I have explained, so that they will have nonunion men on the job.

Mr. THOMPSON. Has your organization any trade agreement in New York City?

Mr. JOHNSTON. We have no agreement whatever at the present time outside of the verbal agreement with some firms.

Mr. THOMPSON. What are the working conditions of your trade now in respect to hours per day and rate of wages?

Mr. JOHNSTON. The hours per day is fair, but the rate of wages is bad, owing to this trouble.

Mr. THOMPSON. What are the hours per day and the rate of wages?

Mr. JOHNSTON. The hours per day is eight hours, and the rate of wages is \$5 for eight hours' work.

Mr. THOMPSON. That is for regular structural-iron workers?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. How much do the helpers get, if you know?

Mr. JOHNSTON. We have got helpers with the craft—one craft—that is, light work, bronze work, and finishing work.

Chairman WALSH. How does that rate of wages compare with other cities—Chicago, St. Louis, and Detroit—Mr. Thompson?

Mr. THOMPSON. Yes. How does the rate of wages paid here compare with Chicago?

Mr. JOHNSTON. Well, they pay about 60 cents a day more in Chicago; and Indianapolis, I think, they pay 40 or 50 cents a day; and California, \$1 a day more.

Chairman WALSH. How about St. Louis?

Mr. JOHNSTON. Seventy-five cents a day more.

Chairman WALSH. And Buffalo?

Mr. JOHNSTON. Buffalo, the same wages.

Chairman WALSH. Are the conditions about the same?

Mr. JOHNSTON. About the same; yes.

Chairman WALSH. And Boston?

Mr. JOHNSTON. Boston, the conditions are about the same.

Chairman WALSH. Philadelphia?

Mr. JOHNSTON. I think Philadelphia is on the same scale, too. You see, since our trouble these other organizations have all come to us. We lay dormant on account of the taking of this Post-McCord—

Chairman WALSH. What about Washington, D. C.?

Mr. JOHNSTON. Washington, D. C., has come up to the same wages we have at the present time.

Chairman WALSH. You mean the same wages or the same conditions as in the city of New York?

Mr. JOHNSTON. In regard to their wages and hours.

Chairman WALSH. Well, is your organization strong in Washington?

Mr. JOHNSTON. Yes, sir.

Chairman WALSH. What are the wages there?

Mr. JOHNSTON. \$5 per day, eight hours' work.

Chairman WALSH. The same as here?

Mr. JOHNSTON. Yes; the same as here.

Chairman WALSH. Excuse me, Mr. Thompson. Go ahead.

Mr. THOMPSON. Very well, Mr. Chairman. What have you to say as to the regularity of the employment of ironworkers in this city?

Mr. JOHNSTON. Well, we have good seasons and bad seasons.

Mr. THOMPSON. Taking a normal year, how many months in that year will an ironworker be able to get work?

Mr. JOHNSTON. I guess about nine months, they will average.

Mr. THOMPSON. About nine months?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. Is your trade, in your opinion, less regular or more regular than other building trades here?

Mr. JOHNSTON. Well, this past year has been a bad year for the other trades. Of course, we have had those subways and those new bridges coming up, and everything like that, and elevated roads. That has been very beneficial to our trade this year. But, as a regular thing, our trade is much the same as other trades.

Mr. THOMPSON. What initiation do you charge?

Mr. JOHNSTON. \$25.

Mr. THOMPSON. Have you any limitations—well, I will withdraw that question. What policy have you, if any, with reference to the admission of aliens and the negroes?

Mr. JOHNSTON. Any man who is a practical ironworker is admitted to our organization by having an examination. We have an examining board. Any man who is practical can become a member of our organization. Of course, there was one question you asked there that I wish to go back to. That is about helpers. Now, in the trade of structural-iron workers, heavy work, instead of the helper system we have the apprentice system?

Mr. THOMPSON. What is that system?

Mr. JOHNSTON. That system is we have 1 apprentice to 7 mechanics, and as soon as he is able to demand the worker's wage he is taken in under the practical iron workman, and comes in under the head of the \$10 fee as an apprentice.

Mr. THOMPSON. And do you apply the apprentice system in New York City where you have no trade agreement?

Mr. JOHNSTON. Well, it is very easy applying all these things. They are only too glad to get these men. The bosses are only too glad to get the apprentice system and have union ironworkers. But they want to have a few men who are not, so that they can call it "open shop." That is the only way I can see to apply it.

Mr. THOMPSON. Are your books of membership closed?

Mr. JOHNSTON. No, sir.

Mr. THOMPSON. To the admission of new members any time?

Mr. JOHNSTON. No, sir; always open.

Mr. THOMPSON. Is there any restriction of output practiced by your union in regard to the amount of work they will do on a job per day?

Mr. JOHNSTON. None whatever.

Mr. THOMPSON. It has been stated that since the abrogation of the contract that your union had with Post & McCord, the amount of work done by the members of your union has been greater per day than before that time. Is that true, as you understand it?

Mr. JOHNSTON. I can only give an opinion on that. I don't think so.

Mr. THOMPSON. You don't think so?

Mr. JOHNSTON. I don't believe so.

Mr. THOMPSON. You don't know the facts?

Mr. JOHNSTON. Sir?

Mr. THOMPSON. You don't know?

Mr. JOHNSTON. Well, I am not positive of the facts. I have never heard of it.

Mr. THOMPSON. Well, if you know, does the structural-iron worker feel less secure of his job now than he did before when he had the contract?

Mr. JOHNSTON. An ironworker's job is secure while the contractor has work for him and he does it.

Mr. THOMPSON. Well, if he is just as secure in his job now as he was before, what are the reasons you would like to have a contract with the employer?

Mr. JOHNSTON. Well, the condition of the trade at present is—where we bring in a man to do ironwork that don't know anything about it a man is not as safe along with him as with a practical man, naturally. There is more loss of life and limb. Men take more chances than working among men that know one another.

Chairman WALSH. Mr. Thompson, at this point we will adjourn until 2 o'clock sharp, to meet in this same room.

(Thereupon, at 12.45 o'clock, a recess was taken until 2 o'clock p. m. of this Monday, May 25, 1914.)

AFTER RECESS.

Chairman WALSH. The commission may come to order.

Mr. THOMPSON. Mr. Johnston, is the structural-iron work a particularly dangerous occupation?

Mr. JOHNSTON. Yes, sir.

Mr. THOMPSON. That is all.

Does anybody wish to ask Mr. Johnston any questions?

Commissioner GARRETSON. Mr. Johnston, is there any discrimination against the members of your organization in this territory in seeking employment on account of their membership in the organization?

Mr. JOHNSTON. There has been, but on account of the rush of work at the present time it is not shown.

Commissioner GARRETSON. They want the men bad enough that they waive the point?

Mr. JOHNSTON. They waive the point; yes, sir.

Commissioner GARRETSON. The allegation was made on the stand this morning that the opposition underlying contracting with your organization on the part of the firm that was being represented was on account of the failure to keep faith, in other words, keep arrangements?

Mr. JOHNSTON. Yes.

Commissioner GARRETSON. From your standpoint, did the firm in question always keep faith with the union in the contractual days?

Mr. JOHNSTON. Well, there has been as many agreements broken by the contractors, or more, than there has been by the employees.

Commissioner BALDWIN. It was suggested to us that on buildings in New York City, they are practically all constructed by union men, and if a nonunion man came on to do any work the union men won't allow it, and yet they do allow nonunion men to go ahead in your union. Is that all because of this breaking of agreements that happened some time ago?

Mr. JOHNSTON. Well, the trade conditions—the conditions of the trade in the past five years over here, I might say, through the entire organization of the Iron League and the National Erectors' Association, getting together, made those organizations combine to such an extent that all trade deals—they embrace all trades—they embrace them to such an extent that no one trade could exactly call the members out to protect another. I want to state just before that, understand, we had a competition here. We have a competition here of the Iron League and the National Erectors' Association, and the McCord belonging to the Iron League demanded the full protection of the Iron League whenever we had the trouble with them, and on him demanding that full protection they forced all the Iron League into the National Erectors' Association.

Commissioner BALDWIN. In other words, the union men and the union employers all got together, did they, or the different associations of union men and different associations of employers all got together and would not want to do any work with anybody but the other?

Mr. JOHNSTON. No; before that there was a competition in New York. It was related here this morning, in old times there was a competition which existed in New York between outside firms coming in and getting the work of the old firms of the Iron League. That was what led up to a lot of this disruption. The old Iron League wanted to have a fence built around New York for itself. The union men saw it more beneficial to allow open competition, such as the George A. Fuller Co., when they came in to New York here, and the Thomson-Starrett and all those large contracting companies, and the Iron League at that time of course felt rather sore to have so much competition coming, and, I believe, that was where the first formation of the Iron League

came from. Then it worked up to the stand whereby the American Bridge Co. came in here, the National Erectors' Association, and you might say they ate up the Iron League.

Commissioner BALLARD. Where are the headquarters of your league?

Mr. JOHNSTON. Our headquarters is 154 East Fifty-fourth Street.

Commissioner BALLARD. That is the local union. Where is the national headquarters?

Mr. JOHNSTON. In Indianapolis, Ind.

Commissioner BALLARD. And it is known as what?

Mr. JOHNSTON. Bridge and Structural Ironworkers' International Association.

Commissioner BALLARD. Well, Post & McCord, when you had this trouble—how long ago was it you had that trouble with Post & McCord?

Mr. JOHNSTON. That is about over 10 years ago—I guess 11 years ago—10 or 11 years ago.

Commissioner BALLARD. And you claim that they were then part of the American Bridge Co.?

Mr. JOHNSTON. Yes, sir; that was the contention of our International president. He couldn't get any proofs that they were not.

Commissioner BALLARD. Could not get any proofs that they were?

Mr. JOHNSTON. No.

Commissioner BALLARD. It seems the unions in New York were very united, and for 10 years they have been refusing to, in a way, recognize your union, haven't they?

Mr. JOHNSTON. No, sir; they recognize—we are all recognized in the board of building trades, but the board of building trades has not been in a position, as I said before—the National Erectors and Employers' Association has got so strong in power that in the past—well, I will say 9 or 10 years—they have been unable to help the ironworkers, have not been able to get themselves in a position to help it because they have all had troubles just the same as we have had, but they appear to be more bitter against the ironworkers than the others. They formed dual organizations; on everybody they could not make so satisfactory a deal like that.

Commissioner BALLARD. You say there are about 3,500 workmen in your line and 3,000 of them belong to the union in the city of New York?

Mr. JOHNSTON. Yes, sir; 3,000 at the lowest estimation.

Commissioner BALLARD. Now, in the enforcing of your demands to require that your union shall be employed and nobody else, what methods do you take to enforce your demands?

Mr. JOHNSTON. We have tried to get agreements.

Commissioner BALLARD. Yes.

Mr. JOHNSTON. We have been trying to get agreements in the past for the last seven years. We have done everything with regard to communicating with those people that bring about meetings, and they refused to meet us to treat with us. They say they don't discriminate against our men, but practically they have not discriminated against our men when they need them, but when they don't need them they like to laugh at our men walking the street and put the other fellow on that they can get along with.

Commissioner BALLARD. Why do you suppose that for seven years they would make agreements with every other union in the whole city excepting yours? Have they picked you out especially for any particular reason outside of this one that has been referred to? Why for seven years should they be so persistent in refusing to treat with you when they treated with other unions?

Mr. JOHNSTON. They are not treating with all other unions except plasterers. They have only just treated with them, I guess, about nine months ago. There has been the steam fitters; they had a fight on for a long time, up to a short time ago. In fact, the amalgamation with the plumbers was what caused them to give them an arrangement.

Commissioner BALLARD. Would you object to leaving with the commission the preamble and constitution and by-laws of your International union and also of your local union?

Mr. JOHNSTON. I have not got it with me, but I could send it.

Commissioner BALLARD. I wish you would, if there is no objection, one of each International and one of each of the locals.

Mr. JOHNSTON. I will have the secretary mail them.

Commissioner BALLARD. Does your local or International union, where they have any trouble with an employer, countenance such things as sabotage or doing injury or damage to the work?

Mr. JOHNSTON. The organization has never tolerated anything of that condition since I have been in it, and that has been for over 20 years.

Commissioner BALLARD. Never have tolerated it?

Mr. JOHNSTON. No, sir.

Commissioner BALLARD. Have you ever expelled anybody who was guilty of such practice?

Mr. JOHNSTON. We have never had the proof.

Commissioner BALLARD. If you did have the proofs.

Mr. JOHNSTON. If we had the proofs, certainly they would not be allowed in the organization.

Chairman WALSH. Is there any other commissioner who desires to ask any question?

Call your next.

Mr. THOMPSON. I will call Mr. Outwater.

TESTIMONY OF MR. EDWIN OUTWATER.

Mr. THOMPSON. Will you please state your name, your residence, and your occupation?

Mr. OUTWATER. Edwin Outwater; 18 East Forty-first Street; house address, Riverdale, New York City.

Chairman WALSH. I thought Mr. Dunn was your next, Mr. Thompson.

Mr. THOMPSON. Mr. Outwater asked to be put on the stand the first thing, as he is going to Europe to-morrow.

Chairman WALSH. Very good.

Mr. THOMPSON. What is your occupation?

Mr. OUTWATER. Builder.

Mr. THOMPSON. Are you president of the master carpenters' association?

Mr. OUTWATER. I am.

Mr. THOMPSON. How long have you been president of the association?

Mr. OUTWATER. Eighteen months.

Mr. THOMPSON. Eighteen months?

Mr. OUTWATER. Yes, sir.

Mr. THOMPSON. Were you a member of that association before that time?

Mr. OUTWATER. I was.

Mr. THOMPSON. For how long?

Mr. OUTWATER. The last 15 years.

Mr. THOMPSON. What office, if any, did you hold before you became president?

Mr. OUTWATER. Trustee.

Mr. THOMPSON. For how long?

Mr. OUTWATER. For the past 10 years.

Mr. THOMPSON. Has your association, the carpenters' association, an agreement with the journeymen carpenters' union?

Mr. OUTWATER. We have.

Mr. THOMPSON. Is it in writing?

Mr. OUTWATER. Yes, sir.

Mr. THOMPSON. Is it renewed from year to year, an annual agreement, or what is it?

Mr. OUTWATER. It has been renewed up to last January. There is no agreement that exists at the present time.

Mr. THOMPSON. At the present time?

Mr. OUTWATER. No, sir.

Mr. THOMPSON. Were the agreements made to cover many years, or was an agreement always an annual affair?

Mr. OUTWATER. Our last agreement covered two years.

Mr. THOMPSON. Two years?

Mr. OUTWATER. Yes, sir. There has generally been an annual agreement.

Mr. THOMPSON. Were these agreements substantially the same in their general terms, leaving out of question the wages and hours?

Mr. OUTWATER. They were.

Mr. THOMPSON. Was there any provision in the agreement between your association and the carpenters' union by which the carpenters' union agreed not to work on or with nonunion material and by which you agreed not to seek to install nonunion material?

Mr. OUTWATER. In our last agreement there was a clause in there that said we were not to use nonunion or prison material. In the making of that agreement a discussion came up that we would not make an agreement as broad

as that, because it was not possible for the other side to live up to an agreement of that kind, because they had never lived up to it.

Mr. THOMPSON. That is, the union had never lived up to it; is that it?

Mr. OUTWATER. No, sir. It made trouble for us and we couldn't live up to an agreement of that kind.

Mr. THOMPSON. That is, the master builders?

Mr. OUTWATER. The master carpenters' association. I better go on. And then a clause was inserted that exempted all outside-lying districts, excepting Manhattan and south of One hundred and seventy-seventh Street. If the other side maintained a union condition in that district, the master carpenters' association agreed that they would put up no material that was handled by the Brotherhood of Carpenters. If the Brotherhood of Carpenters handled any material of any kind whatsoever in that district, any of our members had a perfect right to handle that material.

Mr. THOMPSON. Mr. Outwater, are there any factories manufacturing trim in and around the city of New York?

Mr. OUTWATER. There are.

Mr. THOMPSON. And are these mills or factories, the owners of them, are they members of your association?

Mr. OUTWATER. Yes. That possibly is the vein of a great deal of trouble that exists at the present time in the master carpenters' association. The Building Trades Employers' Association is organized on the basis of a union condition that should prevail in our shops and on our buildings. The manufacturing woodworkers' association are engaged only in the manufacturing of materials.

Mr. THOMPSON. And they are members of your association?

Mr. OUTWATER. They are members of the association, a local organization, but is the same as the master carpenters, holding and use brotherhood carpenters in their work, on their work, the same as the employing carpenter or the general contractor in erecting his work.

Mr. THOMPSON. Then this agreement that you speak of which exists between your association and the union in reference to the refusal to handle nonunion material would be to the advantage of those woodworkers, of the woodworkers' association, manufacturing woodworkers' association?

Mr. OUTWATER. That is the trouble.

Mr. THOMPSON. And the union members?

Mr. OUTWATER. Yes, sir.

Mr. THOMPSON. The members of the union?

Mr. OUTWATER. Yes, sir.

Mr. THOMPSON. Was it of any particular advantage to the members of your association?

Mr. OUTWATER. An advantage to what? How?

Mr. THOMPSON. This agreement that you made.

Mr. OUTWATER. So far as the woodworkers' agreement, the manufacturing woodworkers' agreement, it is detrimental to the carpenters' agreement.

Mr. THOMPSON. Detrimental to the master carpenters?

Mr. OUTWATER. Detrimental to the master carpenters, and that is what brings trouble in our trade.

Mr. THOMPSON. Are any of the master carpenters engaged also in the manufacture of wood trim?

Mr. OUTWATER. A very small percentage. I don't know of but two or three in New York City that manufacture trim.

Mr. THOMPSON. Did that influence the making of such an agreement?

Mr. OUTWATER. It did not.

Mr. THOMPSON. It did not?

Mr. OUTWATER. No, sir.

Mr. THOMPSON. Has your association been the subject of any litigation growing out of that contract?

Mr. OUTWATER. Unfortunately it has.

Mr. THOMPSON. Can you state what suits were started, and what is the status of them, briefly?

Mr. OUTWATER. Suit was started by the Payne Lumber Co. against the manufacturing woodworkers, mentioning by name several of the labor side and the master carpenters' association was made a party to that action.

Mr. THOMPSON. Is that suit still pending now?

Mr. OUTWATER. It is.

Mr. THOMPSON. What was that, an injunction suit or a damage suit?

Mr. OUTWATER. It was first started as an injunction suit and just what stage it has got to now—it is up on appeal—I don't know. The records will show that.

Mr. THOMPSON. Is the Payne Lumber Co., or a company of similar name—I don't know whether they have that name exactly or not—have they sued your company for damages as well?

Mr. OUTWATER. We have been made a party to it; yes, sir.

Mr. THOMPSON. Has any other suit been started against your association, or the members of it, because of this agreement?

Mr. OUTWATER. Not to my knowledge.

Mr. THOMPSON. What, in your opinion, is the advantage that that agreement gives to the parties making it?

Mr. OUTWATER. It is certainly an advantage to us to have an agreement with our men, establishing a firm condition under which we can do business, so we know when we are taking a contract, signing a contract, that it is possible to complete it without being interrupted, the same as we were prior to the organization of the Building Trades Employers' Association.

Mr. THOMPSON. Well, that is a benefit so far as your association is concerned.

Mr. OUTWATER. Yes, sir.

Mr. THOMPSON. That is the sole benefit, in your opinion?

Mr. OUTWATER. Yes, sir.

Mr. THOMPSON. So far as your association is concerned?

Mr. OUTWATER. The sole benefit so far as my association is concerned.

Mr. THOMPSON. Of course, you entered into this agreement voluntarily?

Mr. OUTWATER. Well, after a great deal of discussion and various meetings it was the best trade agreement that we could get. In the light of what has transpired, we do not think it is a very good one, and we do not propose to enter into such an agreement as that again.

Chairman WALSH. What is wrong about your present agreement? Briefly state it; what are the points that you have found not to be good in the working of it?

Mr. OUTWATER. The special point is the naming in our agreement of union trim.

Chairman WALSH. Have you had trouble growing out of that with those that furnish nonunion trim?

Mr. OUTWATER. We have had no trouble. The master carpenters' association has had no trouble in their agreement with regard to the erection of such trim as we purchase, but we do not purchase trim that we are satisfied will not be erected for us. So we try to keep out of trouble.

Mr. THOMPSON. One more question, Mr. Chairman. It has been suggested to me to ask, Did the employers' association in turn help to finance the litigation that was brought against you on account of that contract?

Mr. OUTWATER. When you speak of the parent association, what association do you mean?

Mr. THOMPSON. The one Mr. Eldlitz spoke of.

Mr. OUTWATER. The building trades' association?

Mr. THOMPSON. Yes.

Mr. OUTWATER. We financed it.

Commissioner BALLARD. Then I would like to ask you a little further about this purchase of nonunion-made trim. If you were not bound down by an agreement of this character, you could purchase trim in the open market or wherever you pleased, couldn't you?

Mr. OUTWATER. We can.

Commissioner BALLARD. You can now?

Mr. OUTWATER. Yes, sir.

Commissioner BALLARD. But the union parties won't work with it?

Mr. OUTWATER. Within the district I have outlined it is dangerous to do it, and I don't know anyone that does it. If they do they do not get the protection from the master carpenters' association.

Commissioner BALLARD. What I mean is if it were not for your agreements, and if there were no agreements on that line, then every contractor could purchase what he pleased, and you would prefer to have it that way, would you?

Mr. OUTWATER. We prefer to have it so every contractor could purchase where he pleases. Is that your question?

Commissioner BALLARD. Yes, sir.

Mr. BALLARD. Yes, sir.

Mr. OUTWATER. Yes, sir.

Commissioner BALLARD. That is what you want?

Mr. OUTWATER. Yes, sir.

Commissioner BALLARD. And you want the union carpenters to agree to work any material that you give them?

Mr. OUTWATER. Yes, sir.

Commissioner BALLARD. And at the present time that does not obtain under the agreement?

Mr. OUTWATER. No, sir.

Commissioner BALLARD. And that is your objection to the present agreement?

Mr. OUTWATER. We object to the present agreement because it puts us in a position where we are a party to a discrimination. Now, we do not want to be placed in a position where we discriminate.

Commissioner BALLARD. That is all, Mr. Chairman.

Chairman WALSH. Mr. O'Connell, have you any questions?

Commissioner LENNON. Have you had any difficulty with carpenters flying up to their side of the agreement? Have they complied with the agreement with your organization, in so far as it has been extended from time to time?

Mr. OUTWATER. They have, rigidly.

Commissioner LENNON. They have?

Mr. OUTWATER. Yes, sir.

Commissioner LENNON. Is there any suit pending, or has there been any suit pending, at law by your association against the carpenters?

Mr. OUTWATER. There is not, nor has not been, to my knowledge.

Commissioner LENNON. What, if any, efforts are being made now to enter upon a new agreement? Are there any efforts being made within the last—since the 1st of January, say, to enter into a new agreement?

Mr. OUTWATER. I think that question is entirely deadlocked. We won't enter into another agreement where we are made a party to a discrimination.

Commissioner LENNON. Have you had any conferences?

Mr. OUTWATER. Several.

Commissioner LENNON. You have had several conferences?

Mr. OUTWATER. Yes, sir.

Commissioner LENNON. That is a point on which the hitch comes?

Mr. OUTWATER. That is the point.

Commissioner LENNON. Is there material financial advantage in buying trim made outside of New York City?

Mr. OUTWATER. Why, yes. Material can be manufactured cheaper outside of New York City, and is, than it is manufactured here.

Commissioner LENNON. Well, you enter into an agreement with the union to employ union men and union men only. That is apparently no more of a restriction than it is to use union material?

Mr. OUTWATER. Well, that might be a difference of opinion.

Commissioner LENNON. Yes; that is true. Are the contracts that are going on here now, such as there may be, being erected in the main by union carpenters?

Mr. OUTWATER. Yes, sir.

Commissioner GARRETSON. Mr. Outwater, as your agreement stands, you are at perfectly liberty to purchase where you please as it is, are you not, if you take the chance on having it erected?

Mr. OUTWATER. Yes.

Commissioner GARRETSON. There is nothing in the contract that prescribes that right to buy anywhere?

Mr. OUTWATER. There is nothing that prohibits a man buying anywhere.

Commissioner GARRETSON. Then the objection that really exists in the continuation of your present contract with the carpenters' association lies in the fact that you have bound yourselves with the carpenters' union that you would recognize their right to refuse to use it, is that right?

Mr. OUTWATER. We have not bound ourselves, except in the territory I speak of.

Commissioner GARRETSON. Where they are not erecting, you are buying—all the master carpenters are buying work from mills that could not furnish materials in this restricted district?

Mr. OUTWATER. Yes.

Commissioner GARRETSON. The only objection is in the restricted district, is it not?

Mr. OUTWATER. That is all. I take my chance anywhere else, and I have not had any trouble.

Commissioner GARRETSON. The fact is, if that clause of the agreement was not continued in that restricted district, you would be confronted with exactly the same condition in your relation with the carpenters; that is, the same danger of refusal, but you would not be bound by your agreement not to ask them to do it?

Mr. OUTWATER. Yes; but in our agreement if we can prove that they are erecting that material for anyone outside the master carpenters' association, they can not refuse to erect it for us.

Commissioner GARRETSON. You simply don't want that left in the agreement as a matter of record?

Mr. OUTWATER. We don't want it even implied.

Commissioner GARRETSON. So that the abolition of the clause would not change the conditions an iota?

Mr. OUTWATER. Not so far as we are concerned it might not.

Commissioner GARRETSON. That is all.

TESTIMONY OF MR. WALTER GORDON MERRITT.

Mr. THOMPSON. Will you please give your name, profession, and address?

Mr. MERRITT. Walter Gordon Merritt; my profession is practicing lawyer in New York City; my office address is 135 Broadway, and I reside at 863 Park Avenue, in the city.

Mr. THOMPSON. You are the attorney, are you not, for the American Anti-Boycott Association?

Mr. MERRITT. I am known as associate counsel.

Mr. THOMPSON. What is your association? Where is its head office, and what are its purposes, if you know?

Mr. MERRITT. Its head offices are in New York City. Its purposes are suggested by its title, the fighting of the boycott; but in connection with the association's activities, it feels that an illegal strike partakes of the same nature as the boycott; so I might say its activities would extend to fighting the boycott, illegal strikes, unlawful picketing, and kindred matters.

Mr. THOMPSON. The boycotting you refer to is boycotting in the labor question?

Mr. MERRITT. The matter has never come before our association in any other way.

Mr. THOMPSON. I simply wanted to distinguish it from the Gregorian.

Mr. MERRITT. We have nothing to do with the Night Riders.

Mr. THOMPSON. When you say you take in the question of illegal strikes and of picketing, who act as judges as to whether a strike is legal or illegal, so far as your association is concerned?

Mr. MERRITT. It becomes a legal question so far as our association is concerned.

Mr. THOMPSON. Well, how do you determine a legal from an illegal strike so far as to decide whether your association will take any hand in it?

Mr. MERRITT. It is referred to counsel, and if it presents a good case under the law in the opinion of counsel and the other desirable conditions are existing, our association may undertake to defend the member in trouble in the courts of law or equity.

Mr. THOMPSON. Now, Mr. Merritt, the record here is made for laymen, and I would like to have you give one illustration of what you would call an illegal strike that would call for action by your association?

Mr. MERRITT. A strike to prevent, say, the use of open-shop products of a particular manufacture.

Mr. THOMPSON. What other illustration can you give of illegal strikes?

Mr. MERRITT. A strike in violation of a contract.

Mr. THOMPSON. Well, would that be an illegal strike?

Mr. MERRITT. Under the decisions of the United States Supreme Court such a strike or effort to carry it on could be enjoined.

Mr. THOMPSON. And you would therefore determine that as an illegal strike?

Mr. MERRITT. We certainly would.

Mr. THOMPSON. What other kind of strike would you call an illegal strike?

Mr. MERRITT. Any strike which sought purposes in violation of the antitrust law.

Mr. THOMPSON. Now, what would such a strike be in violation of the antitrust law?

Mr. MERRITT. A case came up here very recently in New York in which I acted in behalf of the Gill Engraving Co.

Mr. THOMPSON. I did not get that.

Mr. MERRITT. Gill Engraving Co., which manufactured photo-engraving plates. They completed the plates in their factory, and then turned them over to customers who are usually publishers, and those publishers used them to print from in their publications. The photo-engravers' union, in their effort to protect the union shops from the competition of the Gill Engraving Co., which was an open or nonunion shop, issued an order that none of the union shops in New York City should be allowed to do any work for any publishing house that did any work of the Gill Engraving Co., inasmuch as the Gill Engraving Co. was the only nonunion shop of any size, and all publishing houses were dependent upon doing work, or having work done by some of the union shops, it resulted in preventing the Gill Engraving customers from getting out their publications.

Mr. THOMPSON. That would come, then, Mr. Merritt, would it not, within your first class of cases; that is, the strike against nonunion material?

Mr. MERRITT. I should not say so. That was a strike against a nonunion customer. The material did not come to the shop at all, and the men who struck did not come in contact with the material in any way. But it was a strike against a customer who did business with a nonunion concern. There are a great many other varieties of strikes which might suggest themselves. The law is in a formative state on this very question, and it has been one of my contentions that this distinction between a legal and an illegal strike is one of the most important distinctions to be developed in order that the field of industrial warfare may be narrowed.

Mr. THOMPSON. What other form of strike do you call illegal?

Mr. MERRITT. I think such a strike as took place on the Delaware, Lackawanna & Western road, or it may have been the Delaware & Hudson road, I think it was, because of the discharge of two men working on that road who were accused of incompetency, is illegal, if those men were discharged in good faith on account of incompetency, and I think a court of equity would take cognizance of that fact and determine the legality or illegality of that strike placed upon its determination of that question of fact. That, however, has not been developed, perhaps, outside of the State of Massachusetts, where principles of law on that general line have been considered.

Mr. THOMPSON. Then you would consider—let me state it in other words: You would consider a strike by the employees of any firm or corporation upon the discharge of some other member would come within the term of illegal strikes?

Mr. MERRITT. I think an arbitrary resistance of the discharge of a man who was properly discharged, where his discharge does not in any way relate to the welfare of the other members employed in that factory, should be termed an illegal strike.

Mr. THOMPSON. Who is to determine whether or not the employee should have been properly discharged or not?

Mr. MERRITT. A court of equity.

Mr. THOMPSON. What is that?

Mr. MERRITT. A court of equity.

Mr. THOMPSON. A court of equity. I see. And if a court of equity should decide it long after the strike was found and had been called and, although the employees would not know what the court of equity was going to decide, still it would be called an illegal strike, so far as you are concerned? I will restate that question. It is pretty long. A court of equity never decides a case until after it is brought before the court, does it?

Mr. MERRITT. Certainly not.

Mr. THOMPSON. And naturally, of course, as a lawyer, you can not always tell what a court is going to decide?

Mr. MERRITT. Certainly not.

Mr. THOMPSON. Now, therefore, the employees, if they considered the discharge of any of their fellows was a wrongful discharge, must take the chance of going on an illegal strike?

Mr. MERRITT. Absolutely. All business men are taking that chance in entering into combinations of any character.

Mr. THOMPSON. Well, that is a different question. I sometimes doubt that, in its broad application. But, therefore, your association, under your view of its duties and obligations and rights, could be called upon to take a question up to

a court of equity for decision wherever there was a strike for reinstatement of discharged employees?

Mr. MERRITT. An application might be made to our association to do it, but whether our association would do it I can not say.

Mr. THOMPSON. But you would feel it has the right to do it under this question of illegal strike?

Mr. MERRITT. Certainly, and I reply that—

Mr. THOMPSON (interrupting). Now, you say that—

Mr. MERRITT (interrupting). Pardon me—

Mr. THOMPSON (interrupting). Yes—

Mr. MERRITT. Pardon me. My attention was called to a strike where I was called in as counsel, and I am sorry I am not privileged to disclose the name, because the case did not come into the court and as between client and counsel I have no right to give the name. But that was all on account of a man being discharged because of a charge of being drunk, and the other employees called a strike because they were resisting that charge; and that would come within the rule I have in mind.

Mr. THOMPSON. Well, the employer has the right to pay such wages as he may wish to pay for the work, has he not?

Mr. MERRITT. Yes, sir.

Mr. THOMPSON. Suppose now the larger firms and corporations combine in a strike for the purpose of forcing an arbitrary condition on the employer which is not a question of wages; would that be an illegal strike?

Mr. MERRITT. Certainly not.

Mr. THOMPSON. How do you try to distinguish between that case and the case of discharging an employee?

Mr. MERRITT. My test is a very simple one, Mr. Thompson, it is that the working men have a right to strike for any demands which logically relate to their welfare in their particular employment. That is a right that has been allowed to them by the law and should have been allowed; but if the question is one which does not come under the classification of those affecting his welfare, in that case, then, it is not within the rights vouchsafed the workman and the strike should be declared illegal.

Mr. THOMPSON. Then you think a workingman has no right to determine per se and absolutely for himself as to where and in what manner his welfare is involved; is that right?

Mr. MERRITT. Why, I think his determination is subject to review by a court.

Mr. THOMPSON. You think it is?

Mr. MERRITT. Why, certainly. Take these carpenters' cases we have in mind. Our courts have held that these strikes against nonunion men are criminal, and though the workmen may believe they are for their benefit—and as a matter of fact it does in some degree redound to their benefit, just as all combinations in restraint of trade are beneficial to those engaged in them. But the workman decides that he is benefited, and his decision is subject to review when he violates any laws.

Mr. THOMPSON. And you think that also in the case of the discharge of an employee, the question as to whether that affects the welfare of the other workers is a matter subject to the review of the court?

Mr. MERRITT. I think it ought to be. I have no cases on the subject.

Mr. THOMPSON. How does your association act? Has it a membership?

Mr. MERRITT. It has.

Mr. THOMPSON. How does it act in the support of its aims in cases where it thinks that it wants to take a hand?

Mr. MERRITT. By litigation.

Mr. THOMPSON. That is to say, bringing suit either in chancery or in law—by injunction or for damages?

Mr. MERRITT. Yes.

* Mr. THOMPSON. Or criminal suit, if that is necessary?

Mr. MERRITT. Yes, sir. Of course the suit is brought in the name of the affected party, as it must necessarily be.

Mr. THOMPSON. Are any such suits pending now in the city of New York?

Mr. MERRITT. Yes, sir.

Mr. THOMPSON. Against whom are they pending and what is their nature?

Mr. MERRITT. The Gill Engraving Co. case I have just described. There is a case of the Duplex Printing Press Co., which manufactures printing presses in Battle Creek, Mich. An effort has been made by the machinists' union to unionize their trade in Battle Creek, and the head of that firm objects to a closed

shop and persists in running his factory as an open shop. The unions have entered into a scheme to force the unionization of the factory by preventing the hauling, installation, or operation of the presses of the Duplex Co. wherever they may come in contact with them. The presses are shipped to New York and they have had trouble in getting car men to haul them, because the unions ordered the car men not to; and they have ordered the people employed by the car men to refuse to do their work, or the hoisters to refuse to help in transferring the presses from the wagons into the building. They have ordered the machinists not to install the presses, and have made suggestions to the pressmen's union, which have never been actually carried out, though they have been threatened, that they should not operate the presses. The immediate cause of a suit arose in connection with the National Exposition Co., of New York, which held an exposition in the Grand Central Palace about a month ago, in which printing presses were to be exhibited. This company commonly holds its exposition in connection with the American Newspaper Association and some other people engaged in the newspaper business; and at that time the various people who were manufacturing printing presses exhibited them at the exposition, and so the possible buyer meets the possible seller. There are about 200 exhibitors to do this, and the machinists' union took the position that the exposition company must cancel its contract or repudiate it—which was in writing—permitting the Duplex Co. to exhibit; and that unless they did so the show would be busted up, as they put it; and that a strike would be called against every exhibitor, the employees employed by him in connection with the exhibit and a strike would be called against all the employees of the exposition company itself. Facing a possible loss of \$100,000 or more in a few days, because the exposition had to go tight on, there being no time or opportunity to do anything else, we secured an injunction against them.

Mr. THOMPSON. Now, I won't ask you for the details in the other cases, but what date are they and can you and will you furnish this commission with a typewritten statement of the cases that exist?

Mr. MERRITT. I should be very glad to hand them my briefs, which I think will be sufficient to cover all the cases. I can hand them briefs in all that have been presented. In fact, I think the commission is already in possession of them. I have had a great many letters from Mr. Ritter, I think it was, requesting the briefs or documents in a number of these cases, and have been very glad to respond and send them on to them.

Mr. THOMPSON. Well, if you will send the commission direct, say, a statement of the cases or a list of the cases and the numbers, so that they may be investigated by our investigators—just such a statement as we can follow out—we will be very glad to have you do that.

Mr. MERRITT. Very well.

Mr. THOMPSON. Referring to the litigation, which I believe you started against the master carpenters' association which Mr. Outwater spoke about to-day, what kind of litigation did you bring in that matter? How many suits, and what was the character of the suits?

Mr. MERRITT. I think Mr. Outwater is confused as to the character of the cases, and with the privilege of the commission I would like to state this in my own way. I have made some notes and will be as orderly as I can be.

Chairman WALSH. We will be very glad indeed to hear you.

Mr. MERRITT. The condition which exists in New York to-day in Manhattan and in the lower part of the Bronx is such that no open-shop wood trim can be placed in any large building, and there has been a complete cessation of trade in open-shop wood trim except one or two of negligible size; and this is all due to or is made possible by the actual closed-shop conditions existing in the building trades. Mr. Eldlitz stated that they have a thousand firms in the building trades employers' association. There are about 75,000 to 100,000 workmen, though, representing 30 to 35 different trades which are called upon to do work in connection with any of our large buildings in New York. So then there is this joint agreement between these 1,000 firms and this 100,000 workmen that no man shall be employed unless he is a member of his respective union making a closed-shop condition. That arrangement is not a voluntary one. You could see yourself from Mr. Eldlitz's testimony how it originally started; but after it is started it is enforced by the rules prevailing in the building trades council, which compelled all men of all trades to go out on a strike in the event that any man employed in any one of the 35 trades is not a member of the union. And their constitution provides for penalties to be imposed upon any union that does not strictly enforce that rule, calling a

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general strike against the employer of nonunion men; and the union is then expected and becomes obligated to enforce that, and any man who is outside of the union is not recognized.

This building trades council—I might interrupt by saying that I am not stating hearsay or facts off-hand, but facts which have been made a matter of record on sworn testimony. It employs about 75 agents which go about the city of New York to ascertain wherever a nonunion man is working or by chance gets employment and reports that to headquarters in order that the machinery may be put in force against him; and the result has been, as any builder will testify, that it is impossible for any employer to erect a large building in the Borough of Manhattan or the Bronx or Brooklyn except by the employment of union men exclusively in all the organized trades. The few nonunion men in these trades who do work in New York do it on small alteration and jobbing work where the combined trades do not have the same opportunity of bringing the pressure to bear. It was reported to me in one of the reports sent out by the Department of Labor at Washington, that 200 men were discharged annually or dismissed from these trades because, for some reason, they can not obtain union membership or their union membership has ceased. You understand this is a private body, and has a right to select its members; and a court has no judicial control over their suspension or expulsion, provided it is done in accordance with law. So when a man's membership ceases he becomes an outsider and is driven from this group here in New York; and in that way some 200 men are discharged annually.

Mr. Eldlitz was speaking of the bonds to enforce these rules and regulations—bonds given by the employers. They attempted to collect the money on one of the bonds against the Thomson-Starrett Co., and they won out in our appellate division, and subsequently it went to the court of appeals in which it was held that all agreements of this kind were illegal and unenforceable, because unduly restraining the right of the individual man to pursue his trade. Now, I make that introduction, because it is absolutely essential to understanding the trim situation here in New York. The workmen in the building trades in New York City control it just as they please, because the union membership and a right to pursue a trade are the same thing. If you fail to comply with the rules of the union or of the employers' association and you are expelled from the union or anything of that kind you are expelled from the trade; that Mr. Eldlitz speaks of. And as one of the delegates testified in one of these cases to me concerning the situation in which I was very much interested, whereby they found two men who it turned out were union men on the job without their cards. Those are not the cards of their trade, but the cards of the building trades council which represents all of the trades where the industrial feature of it is thrown out. He must be a union man, and the building trades council issues that card. They found two men there without their cards, and the men said they would immediately go and get their cards—that they had forgotten them and left them at home. The delegate refused to allow that, however, and he called a strike on the job after these men had withdrawn and the grievance had been removed, and he never came near that job for a week after that. In the meantime they tried to get the men to go to work, but they could not; and this delegate will be one of the witnesses here—Mr. Alexander Kelso, and you can verify that story. And the result was that every man employed there, who was getting \$5.50 a day or thereabouts, lost that money for a week, because two men on that job had failed to bring their cards with them. And Mr. Kelso says that is not an unusual case; that frequently they punish the men for working with a man who has not brought his card, and that this was in the nature of a punishment.

Well, that shows you that the men in the trades are absolutely under the rule of the union, as they necessarily must be where their livelihood depends on union orders and union cards. Now, having obtained this arrangement, the carpenters' union have sought to extend it by limiting building operations to union products of the wood line. It was necessary to employ the union carpenters because if you do not you will have a strike of all the other 30 trades on the building; and if you attempt to employ nonunion carpenters to install the material, the union carpenters will refuse to work with them, and you will run up against that general paralysis in the building trades. The carpenters' union in 1904 adopted a rule directing all the unions and district councils to prevent their members, wherever possible, from handling nonunion trim. The local district council here in New York then passed a rule fining the members \$10 if they worked on "unfair" trim. In attempting to put that rule into

effect they ran into difficulty with the master carpenters' association. The master carpenters' association was ready to yield the question of nonunion trim for the sake of industrial peace, provided they could make sure that their competitors, who were not members of the organization, should not have the privilege of using nonunion trim, because nonunion trim, being cheaper, they would be subjected to unfair competition, as you can easily see. So, finding the union unable to control the members engaged in the unfair trade, and in order to assist them, they refused to handle nonunion material except such nonunion trim as was made by firms not on the unfair list, and this unfair list was issued by the carpenters' district council to the master carpenters' association and the master carpenters' association took it up with the Building Trades Employers' Association, who also took part in distributing this information. For two years there was a deadlock between the master carpenters and the carpenters' union on this point. They came together and tried to make an agreement, but could not because they always broke on this question of unfair trim. In the meantime the master carpenters employed tracers or spies to see where the nonunion men were working on work with union carpenters and to prove to the union that they were dealing square by them. And about 1909 they were convinced that no nonunion trim could be put up in New York City. And then they tried once more to use nonunion trim on the Alvin Court Building, and the carpenters called for a strike, and they attempted to employ nonunion carpenters, and sent out of the city to get men, but it was never feasible, and the strike was called in about 20 different trades on that building, and they decided from that time on to yield to the carpenters' rules, and they made an agreement not to use nonunion trim.

Then the manufacturers—the woodworkers' association—who also employ members of the United Brotherhood of Carpenters, and also members of the Building Trades Employers' Association, entered into an agreement with the carpenters that they would run union shops subject to union scale, provided the union men would not put up the nonunion material, and they could thereby be protected from open-shop competition. That is the condition we were confronted with in Manhattan and The Bronx at the time our litigation commenced. The manufacturers, the woodworkers' association, employed spies to go around and secure information as to where nonunion men were being used, and furnished that information to the union, who would strike the job if it were the material of any of the open shops. Having established that situation in Manhattan and The Bronx, about the 1st of January, 1910, they determined to extend it to Brooklyn. And I should say that in Manhattan a number of the jobbers have been forced into agreements agreeing not to use a nonunion product, subject to a penalty of \$2,500; and deposits have been made with the union substantially the same as money to secure these various provisions; and the only jobber who persisted in his refusal was attacked and boycotted in the same way only throughout the community, and an injunction suit was started for him. They determined to extend this to Brooklyn and brought it up at the next convention of the United Brotherhood of Carpenters, and their business agent took it up with the employers' association in Brooklyn and told them they were going to do the same thing over there, and they sent word to the Newton concern and the Bossert concern, and went down the list; and we secured injunctions at that time against this. I think that states the situation perhaps a little bit too much at length. There are, therefore, two suits pending in Brooklyn at the present time now awaiting decision before the appellate division of the supreme court. One is the suit brought by Albro J. Newton and the other by Louis Bossert against the carpenters' union. The Bossert Co. formerly did a business of half a million dollars across the river here; but to-day the open shops in Brooklyn who manufacture this trim do not know what interborough trade is. They can not sell it across the river, although they can produce it at prices 25 to 50 per cent under the union shops.

Now, there was another suit brought by Irving & Casson, manufacturers of cabinetwork, and we secured a permanent injunction in that suit and that suit has been determined and the costs paid. There was still another suit brought by the Payne Lumber Co. and several others, open-shop manufacturers of woodwork, eight in all—five or six in Oshkosh, one in Clinton, Iowa, and another in Tennessee, another in Williamsport, Pa., and in that city we secured a preliminary injunction, but when the case came on for trial the trial court held that the combination violated the Sherman antitrust law and the State antitrust law, which was a penal law, and entered an order of dismissal, and it was then taken to the circuit court of appeals in the Federal court, and it was dismissed

there on practically the same ground in a few lines, and the case is now lodged with the United States Supreme Court. I think that covers the cases against the carpenters' union.

Mr. THOMPSON. You have just looked into these matters from the legal standpoint, I take it?

Mr. MERRITT. Yes, sir; and from the social and economic standpoint as well. I also have written considerably on the subject.

Mr. THOMPSON. I see. Now, I will ask you as to a question I have in my mind. Are you acquainted with the conditions under which the Payne Lumber Co. manufactured its trim?

Mr. MERRITT. In a general way.

Mr. THOMPSON. Are the wages paid to its working people as high as the wages paid in union shops in New York City?

Mr. MERRITT. No comparison; they are so much lower.

Mr. THOMPSON. Then the reason why the union asks for such a contract is in order to increase the wages and the return of its members?

Mr. MERRITT. No question about it.

Mr. THOMPSON. So far as the manufacturing woodworkers are concerned, the reason is they want to get more business?

Mr. MERRITT. Yes, absolutely.

Mr. THOMPSON. And perhaps a monopoly of the business here.

Mr. MERRITT. Yes, sir.

Mr. THOMPSON. That is all, Mr. Chairman; thank you.

Mr. MERRITT. I have a number of other things which I think—

Chairman WALSH. If you have anything which you think is germane to this question that you desire to volunteer, we will be very glad to hear it, Mr. Merritt.

Mr. MERRITT. Thank you very much, Mr. Chairman. I think of another thing as to a finding of facts on conditions prevailing in New York in connection with this trim matter, and that was the findings by Judge Putnam in the Dhuy case.

(Merritt Exhibit No. 1, "Decision," Hon. Harrington Putnam, Justice, supreme court, New York State, April 30, 1913, in the case of Louis Bossert and John Bossert et al., plaintiffs, against Frederick Dhuy et al., was submitted in printed form.)

Chairman WALSH. Just proceed, Mr. Merritt.

Mr. MERRITT. Now, this condition in the building trades, which, of course, is for the mutual benefit of the employers and employees, is satisfactory to a large extent to those parties mutually engaged in the business, is being utilized in a great many ways to the detriment of the outsider who is not a party to it. One of the favorite schemes is for the employers to instigate strikes against a competing employer who does not conform to their standards as to the way in which the business should be conducted. I am not now referring to the wage scale, or the question of the union or the open shop, but I am referring to things which the employer thinks are detrimental to his business and wants eradicated. And he finds this union an instrument, by which they have a complete grip on the trades of New York, useful to him in eliminating what he thinks is competition that he does not want to meet.

Mr. THOMPSON. In other words, it is the workingman that is used as the battering ram?

Mr. MERRITT. In a great many of these cases that is true. In the wood-trim cases it is the master carpenters that are being used as a battering ram. But all these agreements are give and take. One gives one thing and one gives another, and it makes it desirable for them to come together for mutual protection in that way, regardless of what happens to the public or the outsider. Now, a case came to my mind which resulted in an indictment by the supreme court grand jury, for which I prepared the case, and with the facts of which I am entirely familiar, where the combination of mason builders up in The Bronx, operating union arrangements in the same way are operating down in Manhattan, determined to put out of business a man by the name of O'Connor because he lumped his contract, as the wording is.

Mr. THOMPSON. You mean master mason builders?

Mr. MERRITT. The rule is, as between the bricklayers and the master masons, that no man shall take any contract unless he includes in that contract an agreement for material, in order thereby to keep out men of small credit and of small standing who can not afford to include the material item in their contract. There have been all sorts of subterfuges to try and get around that.

This man, they claim, did not include the material feature in his contracts, and they ordered that he be put out of business. I am quoting the exact language. So they directed the bricklayers' union to call a strike on all the buildings where he had any contracts.

In the first instance they prevented his securing one or two contracts just before they were allotted to him by stating that they would never allow the building to be completed if the contract was consummated. In these other cases they actually called a strike of about 35 men. The men went down before the joint conference committee of the master mason builders and bricklayers to see what the trouble was. And in all these joint conferences—I can not help using the word—*star-chamber* proceedings prevail. They call the man before them and tell him what the trouble is and let him make his statement. He then retires, and in a short time the decision comes out and he can find out nothing further concerning it, and it goes into effect, and goes into effect with greater force than a legal decision, because he has got to comply with it or go out of business, so far as the conditions existing in New York are concerned. They demanded of this man that he hand over all of his contracts and checks. He said he never paid by check. He was a man who was just above the mechanic and had become a contractor on a small scale. And he gave them what material he had, and they said, "If you won't give us more than that none of your building operations will be allowed to go on." So they called a strike, and it was just before Christmas and 35 men were ordered out from the work. The men turned on the delegate and said, "We don't see why we should go out. Nothing is the matter with this job. We want to continue at work." He says, "It doesn't make any difference. If you don't go out it means \$25 or \$50 fine." One of them turned to the delegate and said, "I feel like killing you. You get your wages and I have my family starving." I am not stating this for effect, but it is absolutely a matter of sworn record in this case. And they called the men out and these men came down to my office and gave me an affidavit against the union—a thing I never knew to happen before, because, while I get some information from members who feel they are abused, yet they very seldom are willing to come to the front in that regard. It was just before Christmas time and a very bad thing for them. They lost \$100 each for the time they were out of employment, as far as I can calculate. I think that is pretty accurate. Now, these men were just being made the tools of an unscrupulous employer, and it is an abuse of course which grows out of this monopolistic condition which exists in New York City.

Now, another feature is the way in which this combination is being used as a collection agency. Having obtained control over the labor conditions they can prevent anyone working on a building which they issue an edict against. And in a number of the trades, particularly carpenters, masons, builders, and plumbers—I have it noted here—if a former owner of a building has failed to pay the master mechanic who is working there or the journeyman has not been paid in full and the loan man forecloses the building and the decree of court is issued, selling that building at foreclosure free and clear, that building can never be erected if it is a large building, anyway, until some one pays the debts of the former bankrupt owner; and the title companies of New York City will tell you that millions of dollars are being paid and have been paid out in that way. The building is busted and the builder goes down and it is sold out and the combination between the mechanics and the other employers are such as to completely control the industry, and makes it impossible for that building to go on until some one pays the back debts.

I had a case here where the objection was to a man named Snow that had formerly loaned money on other buildings where some master plumber had not been paid, and they called strikes on a number of buildings where they suspected he loaned money in order to compel the payment of the debt of a master plumber in connection with this other building which was entirely finished, and a matter that was purely one of history.

I will just quote a few lines here from the Plumbers' Supplement which shows how this thing is used:

"It is expressly agreed that no journeyman shall work or be allowed to work on any property where a member of the master plumbers' association has done work for which he has not been paid. If a building shall be abandoned for any cause on which the wages of union plumbers are unpaid no member of the master plumbers' association shall complete the same until such debt is discharged to the satisfaction of the conference board."

And I wish to say that the union men, in all strikes of the character which I have been talking about, so far as my information goes, act upon the orders of the union under fear of fines and penalties, and not because of any cooperation in this matter. It is different from a strike where the men are seeking benefits for themselves. It needs the power of the organization to carry out these things, and the same thing applies to the wood trim business, when they undertook to strike all the jobs where the material of the Newton Co. was being used. Every man left every job in Brooklyn where materials of this concern were being used except one, and that man was fined \$25, and thereafter expelled from the union for nonpayment.

Now, this question of restriction on material by refusing to handle it, or striking against it, is a question which is uppermost in the minds of my people. In a great many trades it is one of the customary means that the union is utilized at the present time to attain its ends. The whole idea being that if you unionize a shop where conditions, perhaps, do not permit of production on the same cost, that you must protect that shop from competition.

Now, I could state to this commission a number of trades and a number of instances of different kinds where that condition prevails; but I don't know that you care to have me elaborate on them any more.

Chairman WALSH. Well, briefly and concisely, give us a few of them.

Mr. MERRITT. Well, in Chicago at the present the electrical workers' union is in the hands of a man named Mike Boyle, and it has been impossible for a number of years for a panel switchboard to be installed in the city of Chicago except it is union made, and any one of the large electrical companies that incur the displeasure of the union at any time for any temporary cause find their trade shut off like a snap of the finger by the order of Mike Boyle. If conditions in Chicago are to be investigated you will find a record of Mike Boyle a very interesting one. The stone and marble work is also subject to restriction, but I think all I could say on it has already been said before this commission.

Chairman WALSH. By whom?

Mr. MERRITT. I think Mr. Eidlitz practically stated the situation. We had a case involved in the erection of the municipal building, where on that the stone contract amounted to something like \$2,000,000, and they tried to insist upon the stone being trimmed and cut down here in New York, where the union wage scale was double the union scale wage in Maine where the stone was actually produced. Now, that condition of restriction on the use of material has also been extended in a measure into the metal trades department of the American Federation of Labor and the building trades department, and I suppose it is—

Chairman WALSH (Interrupting). You mean in the same way—restriction in the same way as the stone and marble case?

Mr. MERRITT. Restriction by the same method; that is, refusal to handle it and the institution of strikes on buildings where the material is being used. The commission, I suppose, is familiar with the metal trades department of the American Federation of Labor, and certain members are, anyway, and the building trades department of the American Federation of Labor, and they at one time did meet together with a view of bringing about a complete exclusion from commerce of all metal products that were not made in union shops by the two departments instigating strikes on buildings where the open-shop materials were used. That does not become a local matter; that becomes a national matter because the strikes take place on the Atlantic and Pacific coast at practically the same time on buildings where particular machines or products are being used. This trim situation is localized in a way—localized in New York, and localized in San Francisco, and perhaps localized in one or two other sections of the country.

Commissioner LENNON. Did I understand you—before you leave, that—to indicate that the officers of the federation and of the department had cooperated together with that end in view?

Mr. MERRITT. I would not say the officers of the federation except as they were officers of the department. But I have a record here on that point.

Chairman WALSH. What is the record?

Mr. MERRITT. I think Mr. Parris, who held some office in the metal trades department, appeared before the building trades department at St. Louis on November 23 to December 5, 1910. Mr. Parris made a short address, in which among other things he said:

"Heretofore very little consideration has been given by the building tradesmen as to how the machinery and general supplies for their work have been manufactured. I believe if you would say that unless it was manufactured under fair conditions you would not handle it. I realize that we can not give you a like help in return, but sometime we hope to be able to do so. I expect during your meeting to go before your executive council and ask that something be done to bring the departments closer together. We realize that this is one of the most successful forms of organization."

Then, following that—I should have preceded that with this: This was the same convention of the metal trades.

"Resolved, That it be an instruction of this convention to the incoming executive board of this department to meet the executive board of the building trades department and other departments, to the end of securing the co-operation of the building trades department in refusing to handle the product of firms against whom the metal trades have strike."

Then that was changed. It was found to be too narrow in its construction, according to the minutes, because it was limited to concerns that had strikes. It said:

"Resolved, That it be an instruction of this convention to the incoming executive board of the building trades department and other departments to the end of securing the cooperation of those departments for our mutual advancement."

Then they actually did appear before the department.

Chairman WALSH. Who actually appeared before what department?

Mr. MERRITT. I am reading from the minutes of the executive council report taken at the 1910 convention of the building trades department, and it explains itself:

"Since coming to St. Louis we have had an opportunity to confer with the president and secretary of the metal trades department with a view of outlining the plans whereby the two departments might cooperate more closely with each other. With this end in view, we recommend that the building trades department empower the executive council to cooperate with the metal trades department and render every assistance possible to that department, and that the authority to render such assistance be placed in the hands of the executive council of this department, so that if an opportunity presents itself and we are called upon by the executive council of the metal trades department for cooperation and assistance with a view to having machinery used in a building made under fair conditions, and with a further view of assisting the metal trades department where machinery that comes from unfair shops is being used in the building."

That is not a complete sentence, but I think it is the way the record appears.

Chairman WALSH. Now, will you please state all of the instances which you have in mind and in which you claim there has been any restriction of output by the unions alone, or by the unions in combination with employers, or by the employers? First, just give your recollection of all of it for the record, and then I will ask you—first, I will ask you this question: In your work, in your professional inquiries or investigations, you go outside, as I understand you, the State of New York, to find those instances, do you? You mentioned Chicago and other cases.

Mr. MERRITT. I have been to Chicago; yes.

Chairman WALSH. Well, do you look up generally the practices of organizations that are interstate or national in their scope that you suspect?

Mr. MERRITT. My information is limited. I have made a very general investigation along certain lines, and written some pamphlets on the subject, but so far as saying I have general information concerning all national organizations, that is not true. I am very much in ignorance as to some of them.

Chairman WALSH. Then if you will kindly give us all the instances you have, in New York and elsewhere, such as I have described, and then give us any pamphlets or any manuscript records that you have, covering the same subject, we will be obliged to you.

Mr. MERRITT. Well, I stated the wood trim in New York, and the stone and marble and electrical in Chicago. The refrigerating machinery—

Chairman WALSH. What are the trades involved in that?

Mr. MERRITT. Machinists. And, of course, they sell very largely to the brewers, I think. I know at one time there was a negotiation to have the brew-

ers make an agreement only to use union machines. Whether that has ever been perfected through the United States Brewers' Association, I don't know.
 Chairman WALSH. Any others?

Mr. MERRITT. From examination of cases I can say brick and plumbing, and that is all I think of now; that is, that I am privileged to say.

Of course difference arises in various trades where there is a particular attack.

Chairman WALSH. We will be obliged to you if you will submit hereafter in writing any others that you may be able to find.

Mr. MERRITT. I have a short memorandum here, of two pages, that I would like to read, if I may.

Chairman WALSH. Very good.

Mr. MERRITT. It does not relate to the building trades.

Chairman WALSH. It relates to this subject?

Mr. MERRITT. Yes. [Reading:]

"The primary consideration at the present time, both for the benefit of labor unions and the protection of outsiders, is the responsibility of organized labor to organized society. The rights of these engaged in industry should be clearly and justly defined, and adequate civil and criminal remedies should be available to protect those who are wronged and to punish the wrongdoer. The magnitude and power of labor organizations like the federation emphasizes the necessity for broader governmental intervention. Many of the more important national unions connected with the federation, and which constitute the larger part of its membership, are vast business organizations having an annual income of hundreds of thousands of dollars, and if they are made suable and held liable for the acts of their servants and employees, like all other employers, the result would be beneficial for unionists and nonunionists, leading the members to greater activity and vigilance in the management of union affairs in order to protect their funds and leading to greater care in the selection of law-abiding business agents, delegates, pickets, etc.

"2. All labor agreements should be made enforceable by making a union liable for damages in case of violation, and making it possible to file such agreements with a court of equity with power to enjoin all attempts to instigate, maintain, or enforce strikes in violation thereof.

"3. Strikes on public utilities should be absolutely forbidden, and the question of wages and hours determined by the same commissions which pass upon the reasonableness of rates. It is illogical and unsymmetrical to empower a commission to fix rates which are to a large extent determined by wages, and to deny that commission any control over the wage scale. I am told that such a provision was embodied in the act creating the New York Public Service Commission, but was removed on account of political expediency, and the commission appointed to investigate the Debs strike made a recommendation of this character. My views upon this question are more fully explained in my pamphlet entitled, 'Strikes and Public Utilities,' which has been submitted to your commission. In passing laws forbidding strikes and determining the means of their enforcement it must be remembered that while an individual can not be penalized for quitting employment, there is no difficulty in enacting legislation forbidding combinations to quit work in concert.

"4. The distinction between lawful and unlawful strikes must be developed and enforced. The strike is a dangerous weapon, inflicting vast losses, and among the laws of any modern civilized nation no other combination so calculated and intended to inflict such injury is permitted. For this reason it should not be forgotten that its sole justification lies in the twofold fact that it is not practical to fix the wage and hour scale by law and the workman needs the power of combined action to aid him in his economic bargain. All other questions or disputes arising between the employer and employee should, as far as possible, be regulated by the State, and the field of industrial warfare thereby narrowed. Sympathetic strikes, whether to prevent the sale of products or to make a public demonstration, should not be allowed, because they do not relate directly to the conditions of employment of the strikers. When we realize that all but a small percentage of strikes are ordered by labor unions, we have a right to expect that a law forbidding the union so acting in connection with illegitimate strikes would be effective without operating on the men directly.

"5. Laws should be enacted providing that no strikes should be called except after a free and unrestrained ballot by the strikers in support thereof, and the method of taking the ballot should be prescribed.

"6. The country at large and employers and employees in particular should be protected against an organized war of exclusion, to drive the nonunion man, the open-shop employer, and open-shop products out of industry. Forcing all opportunities of employment in any industry under the domination and control of any one organization, either of capital or labor, is monopoly, and despotism of a dangerous and hateful character.

"7. As long as we maintain our governmental policy of free trade and competition, the labor unions must be subjected to the ban of our antitrust laws for legal and economic reasons. When capital uses the labor union as a convenient instrumentality to destroy the trade and business of open-shop competitors, it is impossible to draw any practical line of demarcation between the acts of employer and employees in this respect. Combinations to drive open-shop products out of commerce are a menace to the Nation and must be suppressed."

Chairman WALSH. Mr. O'Connell says he would like to ask you a question.

Commissioner O'CONNELL. I figure from that document that you have just read that you are in favor of putting the organizations of labor within the law, the regulation of their hours of work and wages and conditions of employment, and contractual relations in the carrying out of those contracts, all within the law?

Mr. MERRITT. Now, Mr. O'Connell, if you mean compulsory—

Commissioner O'CONNELL. Compulsory settlements?

Mr. MERRITT. Compulsory settlements as to wages and hours other than public utilities, I am not in favor of it.

Commissioner O'CONNELL. Outside of public utilities, you are?

Mr. MERRITT. In public utilities, I am.

Commissioner O'CONNELL. Why not outside of public utilities, if it is a good thing for them?

Mr. MERRITT. There is a manifest distinction or distinctions. To begin with, a public utility, it seems to me, is multiplicity in character and may well be recognized as such. It is, under our antitrust laws of New York State, and it should be, in my mind, under our railroad laws. So that we do not have any comparative problem which is raised by attempting to regulate wages throughout a big Nation like this, where people sell their products throughout 40 States, 40 different States in the Union. Secondly, the necessity of avoiding strikes on public utilities is very much greater than it is in avoiding strikes on Industries I, at least, think we better try it on one before we try it on the other.

Commissioner O'CONNELL. Are you in position to give some information as to the make-up of your organization, such as its membership, cost, and so on?

Mr. MERRITT. We are in position—

Commissioner O'CONNELL. I mean to ask you are you the person to give that?

Mr. MERRITT. Not as to membership. I could give you a copy of the constitution and cost. As to the list of membership, I could not give you that. I don't know of it.

Commissioner O'CONNELL. Where would that be accessible?

Mr. MERRITT. I should think any of the officers could give you that. Our secretary or treasurer, or the chairman ought to have that data on file.

Commissioner O'CONNELL. Does your association act only for its members in the matter of boycotts?

Mr. MERRITT. Yes, sir.

Commissioner O'CONNELL. Strikes, etc.?

Mr. MERRITT. Yes, sir.

Commissioner O'CONNELL. Approximately, what is the membership?

Mr. MERRITT. Between 500 and 1,000.

Commissioner O'CONNELL. Do you furnish a prepared procedure for lawyers in various parts of the country to handle these cases? It does not come through your office or through your association? For instance, if I were an attorney in some town that made application to the association for advice and information, would I be furnished with it?

Mr. MERRITT. If a man wrote me for a brief in any case I personally would furnish it to him.

Commissioner O'CONNELL. You do not keep prepared pamphlets and documents and so on, to furnish for distribution?

Mr. MERRITT. Absolutely not. That would be a matter of courtesy between brother lawyers.

Commissioner O'CONNELL. What is the difference between your way of handling this trim proposition and the employer blacklisting an employee and preventing him from securing employment?

Mr. MERRITT. One goes one step further than the other; but as to my opinion, I am distinctly in favor of a law in every State of the United States which forbids any person or corporation discriminating against any person because he is or is not a member of any union. The trim proposition does go one step further than that—further than the mere refusal to work with a nonunion man. It goes out into the channels of commerce and follows him wherever his products may be offered for sale. In this way it is distinctly more dangerous and widespread and comes, of course, within the scope of laws forbidding the restraint of commerce.

Commissioner O'CONNELL. I don't know whether it is any broader than a machinist leaving New York and going to San Francisco, and finding out when he gets there that his record has been received there ahead of him and can not find employment.

Mr. MERRITT. I think that is pretty broad. But there is a secondary—boycotting a man directly and boycotting his products wherever it goes into commerce—it is one step further.

Commissioner O'CONNELL. Does your association believe that men ought to organize or ought not organize?

Mr. MERRITT. There is an association; they are unquestionably in favor of it. On such questions as that, of course, I am largely colored by my own voice. We have never canvassed the association.

Commissioner O'CONNELL. Speaking of a resolution adopted by the executive board regarding the departments cooperating, rendering service to each other, do you think that is a legal act—for organizations to cooperate with each other and assist each other; do you think that would make wages and hours better, etc.?

Mr. MERRITT. Not as you put it. The test is not whether the object is to raise wages, but as to the means employed to accomplish it; and if, as I interpret these records, it meant some arrangement between the building-trades departments and the metal-trades departments, whereby they would not work on any building where open-shop products are used. I call it illegal, and think it should be illegal.

Commissioner O'CONNELL. Supposing machinery were being built in prison and were coming out into the open market, and we agreed among the building trades that that ought not to go into a building in competition with common labor, do you think that would be a violation of law?

Mr. MERRITT. Yes, sir. As long as it is the policy of the State to manufacture it and send it out into the market it is a free market. Your remedy, if you object to it, is to have the law changed.

Commissioner O'CONNELL. In competition with a man who employs—or an employer who employs children, in some instances babies—if we decide that that is unfair and unwholesome and unhealthy in every character, shape, and manner, would we be violating the law by refusing—

Mr. MERRITT. Absolutely. And that is one of those cases where it seems to me the uplifter must not think the ends justify the means. You can go to the State and change the law. You can call strikes in factories. Things should be done in order to remedy such conditions, and as a matter of fact we are very rapidly limiting those. So that I think we see a solution without resorting to such means as you have in mind.

Commissioner GARRETSON. Who are the officers of your organization, Mr. Merritt—the president?

Mr. MERRITT. Charles H. Merritt is the chairman, and he is responsible for my being in this world. Henry A. Potter is the treasurer. Mr. Herman F. Lee is the secretary. I think there are some vice chairmen, but I couldn't tell you their names.

Commissioner GARRETSON. You made the statement that one form of illegal strike was where it started in breach of a trade agreement. Has any Federal court on this continent ever held that a trade agreement could be enforced in the courts?

Mr. MERRITT. It can not be enforced; no, sir; not specifically; and that is not what I intended to say. I would like to make an explanation right at that point.

Commissioner GARRETSON. That was one of the definitions that you gave; I am interested in that.

Mr. MERRITT. It is an illegal strike, in my mind. But rather than try to compel a continuance of relations, it seems to me the proper method is to stay the hands of those who are trying to induce or bring about this strike. It has been my experience, as attorney in those cases, that the men would not strike if the hands of the officers may be stayed or the mouths of the officers be closed. It is the promulgation of the order that brings about the strike.

One thing more. The strike is an entirely different thing, as I use the word, from an attack of an individual, in quitting employment. You can not even penalize by statute an individual for quitting employment. That would be against the provision of the Constitution against involuntary servitude. But my opinion would be that you could pass a law that would be perfectly constitutional favoring strikes, because then you are going into the field not of individual rights but of combinations.

Commissioner O'CONNELL. Does an illegal strike consist in breaking a law that might be passed or one that is in existence?

Mr. MERRITT. Your question would involve retroactive law, which of course would not be permitted.

Commissioner O'CONNELL. It would not only be retroactive; it would only be a provisional—prospective rather. You say that a law of that kind could, in your opinion, be constitutionally passed. Would a breach of it before it was passed render a strike illegal?

Mr. MERRITT. Why, certainly not.

Commissioner O'CONNELL. By the way, in the breach of trade agreement, is it any more serious for the men to breach an agreement than it is for the employer to do so?

Mr. MERRITT. Absolutely not.

Commissioner GARRETSON. Have your investigations included any data on comparative number of breaches?

Mr. MERRITT. Not at all. In fact, I have not any data in detail as to breaches by the unions.

Commissioner GARRETSON. Have you ever gotten any personal familiarity with trade agreements in any degree, their text and intent, or the laws of the organizations?

Mr. MERRITT. Considerably with some of the organizations you see.

Commissioner GARRETSON. Take one case that you referred to, of which you spoke—are you cognizant of and familiar with the clause in the Delaware & Hudson Railway agreement concerning discipline?

Mr. MERRITT. No, sir; I do not.

Commissioner GARRETSON. Do you know whether or not there was an absolute breach of that agreement by the company?

Mr. MERRITT. No, sir.

Commissioner GARRETSON. In the implying of discipline to the two men in question?

Mr. MERRITT. No, sir. I was not even sure there was an agreement.

Commissioner GARRETSON. Do you know what the law governing those four organizations or five organizations—four or them, at least—I will speak from absolute knowledge, governing the method of going on a strike? Are you aware that no strike could be engaged in by the members of those four organizations without two-thirds of the individual membership having voted in favor thereof?

Mr. MERRITT. I understood that there was something of that kind.

Commissioner GARRETSON. And that the details governing the voting of those men are fully incorporated in that law?

Mr. MERRITT. Yes, sir.

Commissioner GARRETSON. Which is a matter of open knowledge?

Mr. MERRITT. Yes, sir; I know that. And that is where the railroad unions are away ahead of the ordinary unions in matters of this kind.

Commissioner GARRETSON. Still that is the instance you cited as one of illegality?

Mr. MERRITT. I cited that by illustration. Let me see if you thoroughly understood me: That where men are discharged from a railroad for incompetency, there is no right and should be no right, legally to resist that discharge, providing they were discharged in good faith for incompetency. If there is an agreement which provides otherwise, it would be a different proposition.

Commissioner GARRETSON. Have you ever made any investigation that led you to believe that the greatest weapon against organization of men has for

years been the discharge of every man who prominently attempted to organize men on the line by subterfuge in all classes of organization?

Mr. MERRITT. No, sir; I do not believe that is true, from my investigations.

Commissioner GARRETSON. You do not?

Mr. MERRITT. No, sir; and I do not find; and I have given this a great deal of thought, Mr. Garretson.

Commissioner GARRETSON. Yes, sir.

Mr. MERRITT. It is a matter in which you have to generalize, and in which it is a matter of opinion to a great extent; but the employers associations, for instance, all over the country, have not engaged in any general discrimination against unions in the way unions have engaged in the discrimination against nonunion men.

Commissioner GARRETSON. Against whom?

Mr. MERRITT. Against nonunion men.

Commissioner GARRETSON. There is a point I will admit I don't know much about. Are you also aware that those railway organizations are open-shop organizations?

Mr. MERRITT. Yes, sir; indeed, and I congratulate you on it.

Commissioner GARRETSON. I have other friends that do not congratulate me on it.

Mr. MERRITT. Let me state this to you on that railroad question, because I want to be understood on this point. If an employer discharges a man because he was active, I should think, without any question, the men employed were justified legally in striking and in resisting that discharge by strike. If there was also a fact in your Delaware & Hudson case, and that was one of the issues, my solution is that a court of equity, whatever industrial course may ever be developed in connection with this, should pass upon that question of fact just as any court does ordinarily in the exercises of its usual functions, pass upon any question of fact; and if it held they were discriminating, that then they could go ahead and strike.

Commissioner GARRETSON. I wonder how many more courts it would take in this country if that question came before the courts. It would create unfinished business to the judgment day.

Mr. MERRITT. We ought to have industrial courts.

Commissioner GARRETSON. Following up that question, you stated that you believe that the employees of public utilities should be forbidden to strike. What difference would there be, then, in the condition of the servant on public utilities from that of the English villain under the old-wage enactment of England?

Mr. MERRITT. All the difference in the world.

Commissioner GARRETSON. What?

Mr. MERRITT. As I recall—

Commissioner GARRETSON. He could leave the land, I will admit that.

Mr. MERRITT. The position of a man employed on a public utility would be just the same as a post-office clerk or mail clerk. His wages and hours would be governed by what the Government says is right. And that is the position to put him in.

Commissioner GARRETSON. Just as the English villain was paid for hour labor also, by what the Government said was right.

Mr. MERRITT. Yes, sir.

Commissioner GARRETSON. How many enactments were there in the English law in the period from Edward III to Elizabeth?

Mr. MERRITT. I won't discuss that.

Commissioner GARRETSON. Something over 300.

Mr. MERRITT. I suppose so.

Commissioner GARRETSON. If it is ethically right that those men should be deprived of the weapons, we will say for a better trim, that all other men engaged in labor are to possess, why isn't it ethically right that the others also should be disarmed?

Mr. MERRITT. I wish to put the question the other way, that if we are going to be so kind to the railroad employees as to have the Government fix the hours and wages—

Commissioner GARRETSON. They are not all public utilities.

Mr. MERRITT. If we are going to have that in public utilities, I don't think we are taking anything away from them.

Commissioner GARRETSON. Is there a record where the wage is fixed by governmental agencies that it was not a quasi slavery?

Mr. MERRITT. State that question again, please.

Commissioner GARRETSON. Is there a record in existence, wherever government has fixed a wage, that it has not been quasi slavery for the laborer?

Mr. MERRITT. That is a matter of terminology. I should not call it quasi slavery or anything of the kind. If the public utility employees of our country were subjected to governmental control as to the wages and hours, they could leave at any time if they were not satisfied. There are lots of other industries that they can go into.

Commissioner GARRETSON. Isn't that exactly the attitude that every employer has taken for 500 years; that if his service and wage did not suit the employee he could leave?

Mr. MERRITT. Yes, sir.

Commissioner GARRETSON. Is it going forward or backward?

Mr. MERRITT. Going forward. To my mind there is the greatest difference in the world in leaving it to a private employer who is actuated by a desire to increase his profits than turning it over to the Government, which has the power to pass upon so many things, in which all the people are concerned. I think it would be a great step forward both for the railroads and for the public at large.

Commissioner GARRETSON. And if, as some indiscrete citizens will assume, big business owns the Government, where is the laborer?

Mr. MERRITT. I will admit your hypothesis always does not exist. So far as I can see at the present time, labor owns the Government.

Commissioner GARRETSON. We are merely trying to be partners. If the non-union—leaving that phase of it—were open shop, where a wood trim is prepared to pay us good wage and under us good conditions as the union shops, would there be any incentive to use the product?

Mr. MERRITT. What?

Commissioner GARRETSON. Would there be any incentive to use their products?

Mr. MERRITT. Yes, sir. Your shops, for instance, in Brooklyn pay as good a wage and conditions of employment are just as good, but the unions object to their product because they do not like the way in which they run the shop. The average wage scale is just as good, but there is no minimum.

Commissioner GARRETSON. That brings up a peculiar question. Our non-union shops, as a rule, are they less efficiently handled by their owners than nonunion?

Mr. MERRITT. I think your question is confused.

Commissioner O'CONNELL. I think you have that reversed.

Commissioner GARRETSON. Are union shops less efficiently handled than non-union?

Mr. MERRITT. I think so, usually.

Commissioner GARRETSON. In other words, a man that will deal with the unions has his faculties impaired thereby, or what?

Mr. MERRITT. No, sir. The union is very apt to insist upon a voice in matters of management, which really he should not intervene in, and as a result of the divided management you have taken from the employer, who has become the logical head by a process of selection, and so must be the most capable of running the business, and the divided control results in less efficiency.

Commissioner GARRETSON. Is any human entitled to more voice in his wage and the conditions of his service than the man who accepts the wage and performs the service?

Mr. MERRITT. Why, absolutely; the employer is entitled to more voice in certain things in the management of his business than the employees who work under him and give the service.

Commissioner GARRETSON. The owner?

Mr. MERRITT. Yes, sir.

Commissioner GARRETSON. Hasn't the eternal record of dealings between employer and employee shown the record of a gradually increasing lustance of the right of the man to his voice and its gradual acceptance?

Mr. MERRITT. Yes, sir.

Commissioner GARRETSON. Is it not the line of progress instead of retrogression?

Mr. MERRITT. Up to a certain point; but, like all lines of progress, it can be carried too far. Very few arguments can be carried through to their logical conclusion.

Commissioner GARRETTSON. That copy of the metal trades' conference that you were reading from, was that furnished to you by the metal trades' association?

Mr. MERRITT. No, sir.

Commissioner GARRETTSON. How was it secured?

Mr. MERRITT. I think I secured that through our general council, Mr. Davenport. You know the American Federation of Labor has always been very generous in handing out its printed documents, and I have never seen any secrecy on its part, and this is one of the printed documents.

Commissioner GARRETTSON. That is all, Mr. Chairman.

Commissioner BALLARD. In the law creating our body, in the last paragraph, it directed that we endeavor to inquire into the causes of industrial unrest and make certain recommendations, etc. Can you, in a few words, state what changes you would advise or recommend in the American Federation of Labor which would make them perhaps more acceptable to the manufacturers in general, or which would be likely to eliminate any of the immediate causes of friction?

Mr. MERRITT. The principal criticism from the employers' point of view is the effort to force out the outsider from industry. I am speaking now from the point of view of the employer, who tries to be tolerant and broad-minded in regard to this thing. He is unwilling in his mind to depart from what he believes the fundamental principles of individual rights in this country, and to admit that any organization aiming to obtain absolute control or monopoly over the opportunities of employment by driving out the outsider and the products of those who employ the outsider is right. If the American Federation of Labor would abandon that policy, and I firmly believe it could depend on that policy and still maintain its mission and service to society as a whole, there would be a great change of attitude on the part of the employers of the country toward it, and I think there would be a readiness in many instances, and a progressive readiness, to make collective agreements with the representatives of organized labor; but the employer to-day feels that organized labor is making war on him.

Now, that one keystone of the purposes and activities of the Federation is the cause in the minds of the people, that I come in contact with, and, Mr. Ballard, I come in contact with a great many in different employers' associations—it is the cause of a great deal of the conflict at the present time.

Commissioner BALLARD. Just one other thought. To go back to this well-worn subject of wooden trim. He said there were factories in Bristol, Tenn., where they can make the trim, and perhaps there are places in Michigan, Kentucky, and elsewhere. Those factories might be located in smaller towns where wood was cheap, where labor conditions, owing to rents, etc., living conditions might be cheap, and those people, whether unionized or not unionized, could make wooden trim cheaper than you can at New York City.

Mr. MERRITT. Yes, sir.

Commissioner BALLARD. As a matter of economy, if a man in New York City, by natural process can not compete, he better get out of business?

Mr. MERRITT. That is my idea exactly; and, furthermore, all arguments are against trying to protect the industry in a metropolis like New York, where working conditions are not the most wholesome.

Commissioner BALLARD. Is there any competition between the manufacturers in New York City and the labor unions, who control, to keep others who could make better prices and produce cheaper out of the market?

Mr. MERRITT. Absolutely.

Commissioner BALLARD. That is all.

Commissioner LENNON. Mr. Merritt, do you know what was back of the system that you spoke of—of collections against buildings as represented by employers' associations and some of the unions? Do you know what caused that?

Mr. MERRITT. Yes, sir; I think I do. It is the credit system and the matter of solvency of contractors in the building situation. It is a very difficult and embarrassing problem.

Commissioner LENNON. It came about because of the fact that people did work on the building and did not get any pay for it?

Mr. MERRITT. But that is the whole rule, of course—that if anyone has worked and does not get paid, the building, even though it has been sold out under foreclosure, shall not be completed. But, Mr. Lennon, there is no difficulty about the wage earner. He is practically always paid. A particular

clause; well, it is mutual and reciprocal in any way it is worded; it is primarily for the benefit of and primarily used by the employer.

Commissioner LENNON. Yes; but it has its bearing upon the interest and upon the wages of the employees as well, but in a more indirect way than it does so far as the contractor is concerned?

Mr. MERRITT. The law has surrounded the wage earner with pretty good protection in priority of liens, etc.

Commissioner LENNON. Have you ever been in Wisconsin, in any of the mills where trim is made?

Mr. MERRITT. In the offices only; I did not go through the mills.

Commissioner LENNON. Well, I have been through the mills, and I saw women and young girls, stripped to the waist, working in those mills. Well, while I am a law-abiding citizen, I felt like departing from law-abiding citizenship for a short time in order to correct some things that I saw.

Mr. MERRITT. The laws have been changed in Wisconsin very recently, and the women have been dismissed from the employment, and children above—I don't think the age limit has been changed—it was between 14 and 16, anyway—but the hours that children can be employed have been changed, so that the employment of children has been very much diminished.

Commissioner LENNON. I know it has. There is improvement being made, and because of the insistence of organized labor; at least, that is my view of it.

Mr. MERRITT. Well, I would be glad to have organized labor receive the credit.

Commissioner LENNON. I want to ask another question: Will you cite to us some instance in which strikes take place without a vote of their membership having been had?

Mr. MERRITT. In the Pompre-Harris case.

Commissioner LENNON. Pompre-Harris case?

Mr. MERRITT. Yes, sir.

Commissioner LENNON. Cite some others.

Mr. MERRITT. We never take a vote when we call a strike on buildings against trim.

Commissioner LENNON. Will you give us some of the building trades where that took place?

Mr. MERRITT. Well, what I wanted to say on that point particularly is this: According to the reports—and this is one of the things that it is not always easy to prove and prove the evidence—

Commissioner LENNON. Yes.

Mr. MERRITT. That a great many of those votes are taken under a condition which does not admit of a fair and unrestricted vote; and I can not believe but where there is so much smoke there is some fire, and it is to a large extent true. A great many stories come to my attention that may or may not be exaggerated, that men have tried to vote against a thing, and men have tried to be different, and they were swung by their organizers to do things that they did not want to do; and my idea was that protection against that would be a proper ballot, well protected, as are political ballots. I think that is practically what is done, isn't it, in the railroad unions, isn't it, Commissioner Garretson?

Commissioner GARRETSON. Individual ballots.

Commissioner LENNON. Individual ballots everywhere, as I know it; that is, the political ballot.

Chairman WALSH. That is all. Thank you very much, Mr. Merritt.

TESTIMONY OF MR. JOHN RICE.

Mr. THOMPSON. Will you please give us your name, address, and your present occupation?

Mr. RICE. John Rice; 142 East Fifty-ninth; home address, 523 West Fifthth Street; general organizer, United Brotherhood of Carpenters.

Mr. THOMPSON. General organizer United Brotherhood of Carpenters?

Mr. RICE. Locally, yes.

Mr. THOMPSON. Have you been here all day?

Mr. RICE. Yes, sir.

Mr. THOMPSON. You heard the testimony of Mr. Eldlitz?

Mr. RICE. Part of it; not all—not since—well, I—

Mr. THOMPSON (interrupting). You heard Mr. Merritt's testimony?

Mr. RICE. Yes; some of it.

Mr. THOMPSON. You heard Mr. Outwater's testimony?

Mr. RICE. Yes.

Mr. THOMPSON. With regard to the suits brought in New York City on account of the refusal of the carpenters' union members to work with nonunion trim?

Mr. RICE. Yes.

Mr. THOMPSON. Why do the carpenters of New York City refuse to handle trim made by nonunion people outside of New York City?

Mr. RICE. Well, I might say that the carpenters are both inside and outside men. We have what is termed the shop carpenter and the outside carpenter. The outside carpenters simply assist the shop carpenter to get his day's work at all times by standing with him, because if he does not protect or try to assist the shop man, the shop man comes in competition to him on the outside if there is no work inside for him. I might qualify that by saying this: Several years ago conditions existed here where the shop men were compelled to become idle; could not get a day's work through the fact of the western contractors or manufacturers wherein certain conditions prevailed in their mills that without any question of doubt it would have shut up the entire New York mills where our men were employed if it were left to open competition. We had to simply protect our shop men or they would become further in competition with us on the outside. That was the first step in this movement.

Mr. THOMPSON. In other words, if I understand you correctly, the outside nonunion trim coming into New York was so much cheaper that the men could not work?

Mr. RICE. It was not a question of it being so much cheaper, but it was simply a question that the nonunion manufacturer underbid the union manufacturer by that slight margin which permitted him to take the contract.

Mr. THOMPSON. What, if you know, is the difference of wage paid by the nonunion mills, for instance, in Wisconsin and the union mills in New York City for wood trim?

Mr. RICE. Well, I can give you the comparison, but I can not give you the exact amount. I will say that the union mills in New York City and elsewhere, who have trade agreements with the organization, they work eight hours a day. The nonunion mills work 10 hours a day. The minimum scale, or an average scale, as agreed upon in the union shop, is on the basis of probably \$15 to \$18 in different localities; in the nonunion shop it ranges all the way from \$12 down, in some cases, as we have found it upon investigation, for 10 hours' work.

Mr. THOMPSON. Would you consider, Mr. Rice, that your union, and what is true of yours must be true of all other unions, that because "nonunion trim" was quoted at a slightly lower price, that would give the union the right to insist upon the contract being made which prevented the nonunion material from coming into any certain locality?

Mr. RICE. Well, that was not the reason. The main reason was us to protect, if it was possible, by insisting that our men be employed, our members. We have thousands of our own employees in these union mills, but it was the method that they used by underbidding, the nonunion contractors or manufacturers, underbidding by a slight margin and taking the work away, with the result that the union manufacturer notified us that he had no work for our men and laid them off. The result was, as I said, we had to find work for them. We had to take a stand to protect them, if possible.

Mr. THOMPSON. Well, this underbidding of the nonunion mills was consistent and steady, then?

Mr. RICE. Oh, yes; continuous.

Mr. THOMPSON. You would not feel, would you, that you would have a right to insist upon that kind of an agreement where occasionally a mill outside would underbid you on the work?

Mr. RICE. We certainly did. We insisted that every employer that agreed and desired to employ the union men on the outside, we simply insisted on that, or told them through agreements and otherwise, if you desire to employ us on the outside, we ask you to directly or indirectly employ us on the inside.

Mr. THOMPSON. Well, assuming that the wages paid for the nonunion trim and the cost of it would be generally as high as the union trim, but occasionally an outsider or nonunion manufacturer of wooden trim would ship in stuff cheaper, would you consider that a justification for such an agreement?

Mr. RICE. Oh, no.

Mr. THOMPSON. But, as a fact, you knew that the nonunion trim was manufactured under a state of working conditions and hours—that is, long hours, poor working conditions, and low wages—which must necessarily permit the nonunion trim to be always shipped in here away below what you could produce it for?

Mr. RICE. Poor—

Mr. THOMPSON (interrupting). That is the fact, is it?

Mr. RICE. In so far as the wages and hours are concerned, as I stated before, it was not a question of it coming in here so awfully cheap to the contractor that bought it; it was simply going below the margin of the figures of the union contractors of all kinds.

Mr. THOMPSON. Of course, you know, Mr. Rice, that these contracts are generally construed by the courts as illegal. I take it that you are aware of that fact?

Mr. RICE. It is so considered, as I understand it.

Mr. THOMPSON. What I wanted to find out is, what was the moving thing in the minds of the union men that made them feel that they should insist upon that trim not being placed by union contractors?

Mr. RICE. As I explained in my opening answer, it is the question of seeing, or trying to see, that our men who carry their cards with them on the inside be employed. We are trying to get work for them all the time. We have to do it in order to keep them at work, if it were possible.

Mr. THOMPSON. Your union carpenters in New York City live in the city, do they not?

Mr. RICE. They certainly do.

Mr. THOMPSON. They have their homes here?

Mr. RICE. Most of them.

Mr. THOMPSON. And their families?

Mr. RICE. Within the radius of Greater New York, and probably Jersey City.

Mr. THOMPSON. And their children go to school here?

Mr. RICE. Yes.

Mr. THOMPSON. And they offer themselves ready to do the work of New York City in the carpenter line?

Mr. RICE. At any and all times.

Mr. THOMPSON. What proportion of the carpenters of this city are engaged, if you know, in outside work and what proportion in inside work?

Mr. RICE. Well, it is about—in Greater New York there is about 65 and 35 per cent, or 60 and 40.

Mr. THOMPSON. 60 outside and 40 inside?

Mr. RICE. 65 and 35, or 60 and 40.

Mr. THOMPSON. What are the wages paid an outside man and what are the rates paid an inside man, if you know?

Mr. RICE. We have several scales of wages.

Mr. THOMPSON. Are those printed?

Mr. RICE. They are printed—in printed form.

Mr. THOMPSON. Could you furnish them?

Mr. RICE. Yes; I can give you a copy; but I can give it to you offhand.

Mr. THOMPSON. You can?

Mr. RICE. Yes.

Mr. THOMPSON. Well, will you give it?

Mr. RICE. In Manhattan the wages for the outside carpenter is \$5 per day; in The Bronx, Queens, and Brooklyn Boroughs the outside carpenter's wage is \$4.50; in Staten Island, or Richmond Borough, the wages are \$4. That is the outside carpenter's wage. In the shops we have two distinctive classes of wages—one is what we term the cabinet carpenter shop and bar fixture and fixture shops of that sort, where the wages in Manhattan is \$4 per day in the shop for eight hours and \$3.78 per day in the outlying boroughs, namely, Bronx, Queens, Richmond, and Brooklyn. We have also what is termed the supply trim mills. There is a wage scale established there in the city of Manhattan and Bronx of \$17 and 48 hours per week; in Brooklyn and Queens, \$15.50 and 48 hours per week. I might answer this that it is owing to the fact of the nonunion conditions or the competition in Brooklyn and Queens, wherein these certain employers who are instituting these suits against our organization, their conditions there are 10 hours and they pay any scale of wage they desire, being open shop, and we are compelled to permit our men to work there for \$15.50 scale and 48 hours in any union shop we have over there which are furnishing trim.

Mr. THOMPSON. Has your union got an agreement with the master carpenters' association here in New York City?

Mr. RICE. We had one up to January—December 31, 1913, which is now, I believe, lapsed, not having entered into a new one as yet.

Mr. THOMPSON. I think Mr. Outwater stated the fact in regard to that, did he not?

Mr. RICE. I believe he is partly right in that. It was owing to the fact that there were some little matters that were taken up in our own organization that we could not appoint our committees at the proper time and caused delay.

Mr. THOMPSON. He stated on the stand that the reason was that they did not want to make an agreement by which they would agree that—with you, that they would not use nonunion trim.

Mr. RICE. Well, he might say that.

Mr. THOMPSON. There was a deadlock on that proposition?

Mr. RICE. It might be true he said that, but I know up to two weeks ago that there had not been any committee meeting for the purpose of discussing a new agreement. Since that time I can not answer. They may have had a meeting or two—our committees.

Mr. THOMPSON. In this agreement that you did have with the master carpenters' association, that provided, at your instance, that the master carpenters should not seek to install nonunion trim?

Mr. RICE. Yes, sir; through the fact, if you will permit me to qualify that, that we offered them our services directly on the job, providing they would employ our men in the shop either directly or indirectly.

Mr. THOMPSON. You told me the reason before, Mr. Rice. I simply wanted to get at the facts of the contract. Now, with reference to your organization, what are you—well, you have stated that. How long each year on an average do carpenters on outside work get work?

Mr. RICE. Well, that is hard to say. This has been a bad year, and I would say that the percentage of this past year was very low; I would say about eight months.

Mr. THOMPSON. And a normal year?

Mr. RICE. A normal year—about nine months.

Mr. THOMPSON. Does your union provide for benefits—death, sickness, and accident?

Mr. RICE. Yes, sir.

Mr. THOMPSON. And also in strike cases?

Mr. RICE. Yes, sir.

Mr. THOMPSON. What is the initiation fee for the admission of members into your union?

Mr. RICE. The initiation varies in different localities. Speaking for New York City, it is \$20 for the new member and \$30 for a member who has formerly belonged and been dropped from the organization—reinitiation.

Mr. THOMPSON. What do you charge the member of your international union coming from another city?

Mr. RICE. May I just follow that along, that first question, and then I will answer the second. I want also to say that the international constitutional law permits an initiation fee as low as \$5 at any time. I want to say that at this present time we are dropping our initiation fee and probably will go on dropping our initiation fee to that low minimum in order to draw in and bring members at that low fee.

Mr. THOMPSON. Then you think the fee of \$20 may act in keeping men out?

Mr. RICE. Sometimes it does. We keep the doors open at all times to any man who desires to join.

Mr. THOMPSON. And your idea would be, in any union of craftsmen—take it in the building trades—that a high initiation fee would tend to keep them out?

Mr. RICE. It does to a certain extent. I don't speak positively as to that.

Mr. THOMPSON. What would you say as to an initiation fee of \$200?

Mr. RICE. Well, I will tell you. There are certain trades, of course, where a high initiation fee might be necessary.

Mr. THOMPSON. Why?

Mr. RICE. Well, the employers may, if the initiation fee is too low; sometimes the employers might get in and flood the industry and use them against the very organization of mechanics that really have fought to gain and create the conditions beneficial for that trade—steady mechanics.

Mr. THOMPSON. Has your union any by-laws with reference to the amount of work a man will be permitted to do in a day?

Mr. RICE. No.

Mr. THOMPSON. Do you know what the word "rushing" means?

Mr. RICE. Not except this—I will say this—I will qualify that—that if it is found at any time a foreman or superintendent attempts to turn around and rush the men and make them do—or slave the men or drive the men and make them do—more than any average man can do, we take the matter up and fight the issue.

Mr. THOMPSON. You have a by-law relating to "rushing," have you not?

Mr. RICE. I believe there is a little item in there that no man is permitted to act as a "rusher," because we have found these conditions I stated. And the reason of this thing is for this reason: We have found that certain employers may employ a man at an increased wage to act as a leader or a "rusher," and he may get out and do more than the average man could possibly do, and the employer may turn around and expect the other employees to do as much as his rusher. When we find such a condition, then we fight that issue.

Mr. THOMPSON. Who determines the fact as to whether a man has engaged in rushing—the union?

Mr. RICE. Well, usually; it is very easily determined.

Mr. THOMPSON. Well, I mean, who does determine it? Does the union do it?

Mr. RICE. The union takes the matter up.

Mr. THOMPSON. Does the employer have any voice in that?

Mr. RICE. He does, if he is a member of the employers' association. It is discussed in the joint trades meeting boards.

Mr. THOMPSON. Then where the employer is a member of that association, you then would not undertake to decide that issue without giving him a hearing?

Mr. RICE. There was a clause in the old agreement to that effect, that if any foreman or superintendent committed that offense, or any other of that kind, that we deemed a violation, we should prefer, or the men should prefer, charges against them in the trade board, the same to be taken up by the executive committee.

Mr. THOMPSON. But, I mean, in case of rushing specifically. If you believe a man is rushing on the job, and the employer is a member of the employers' association, would you take that matter up with the employers' association or decide it without?

Mr. RICE. We would take that matter up in the joint trade board, composed of both employers and employees.

Mr. THOMPSON. Your agreement provides—or, rather, did provide—with employers that there should be no limitation of output, did it not?

Mr. RICE. It does, or did. I don't know if it has lapsed or not.

Mr. THOMPSON. Are you acquainted with the working conditions in the non-union mills around Brooklyn?

Mr. RICE. Yes; I am acquainted with some of the conditions there.

Mr. THOMPSON. Does it differ from the conditions in the union mills?

Mr. RICE. It does; a whole lot.

Mr. THOMPSON. In what respect?

Mr. RICE. It has been proven that men were working there—married men—receiving \$9 a week for 10-hours-a-day work, or 59-hours-a-week work.

Mr. THOMPSON. That relates to the question of wages.

Mr. RICE. Yes, sir; wages and hours.

Mr. THOMPSON. You brought out the question of wages, I think, before?

Mr. RICE. Yes, sir.

Mr. THOMPSON. What other differences other than wages and hours that you have stated—what difference is there between the two mills?

Mr. RICE. The difference between the two mills over there would probably be, I would say, about 25 per cent.

Mr. THOMPSON. When you say 25 per cent, what do you mean—25 per cent of what?

Mr. RICE. The difference between the hours and wages existing in a union mill and as it exists in the nonunion mill.

Mr. THOMPSON. I am asking, not with reference to wages and hours, which you have already given, but other working conditions?

Mr. RICE. Why, other working conditions are about normal—the same. There is no difference in the working conditions.

Mr. THOMPSON. Is there any employment of women and children over there?

Mr. RICH. Not in this locality, but in the West they do. That we have investigated and found out to be a fact. In fact—

Mr. THOMPSON (interrupting). What did you find were the conditions in the western mills? What mills, and where, and what conditions with reference to the kind of people employed?

Mr. RICE. I will say that we investigated the Payne Lumber Co., who had, at that time, been suing out an injunction against the organization, and we found out of 8,000 employees, there were about 300 women and girls being employed there, and we found also that the moral conditions in that mill were depraving.

Chairman WALSH. We will now adjourn until to-morrow morning at 10 o'clock, promptly, to meet in this room.

(Thereupon, at 4.30 o'clock, of Monday, May 25, 1914, an adjournment was taken until Tuesday morning, May 26, at 10 o'clock.)

NEW YORK CITY, Tuesday, May 26, 1914—10 a. m.

Present: Chairman Walsh; Commissioners Garretson, Lennon, O'Connell, Ballard, and Harriman.

Chairman WALSH. The commission will be in order now. You may call your first witness, Mr. Thompson.

TESTIMONY OF MR. JOHN RICE—Continued.

Mr. THOMPSON. Mr. Rice, will you take the stand again? Mr. Rice, are you aware of the working conditions in the woodworking mills, the character of the work, the use of machinery, and so forth?

Mr. RICE. Yes, sir.

Mr. THOMPSON. So far as the use of machinery there and the working of machinery, is or is not that a dangerous occupation, in your opinion?

Mr. RICE. It is a very dangerous occupation.

Mr. THOMPSON. Do you know whether or not the men are injured frequently in the handling of such machinery?

Mr. RICE. Yes, sir; I can give you some data on that.

Mr. THOMPSON. Are you willing to give that data to the commission?

Mr. RICE. I belong to a local organization here that is composed almost exclusively of machine men; and out of the membership which we have of possibly 350 or 360, approximately there is about 80 per cent of those men who have maimed fingers—fingers cut off; and in some instances, almost half the hand—through following that vocation. Numerous injuries take place during the year. I want to say we had a committee appear before the compensation committee, which was held here in New York previous to the compensation laws going into effect, in order to show the dangerous character of the work which the men are compelled to follow in that vocation.

Mr. THOMPSON. That influences your opinion, does it not, as to the kind and character of the people that should be employed in woodworking mills?

Mr. RICE. Why, I don't understand the question.

Mr. THOMPSON. I mean to say from that, that you do not believe that women and children can properly be used around woodworking mills?

Mr. RICE. Absolutely, no, sir. They should not be employed in that capacity.

Mr. THOMPSON. Now, Mr. Rice, with reference to the restrictive policies of your union; that is, when you refuse to erect nonunion millwork, that is, in certain localities in New York City, as I understand, and relates to the territory south of One hundred and seventy-seventh Street?

Mr. RICE. Yes, sir.

Mr. THOMPSON. With reference to the territory outside of the boundaries of your particular area does your union refuse to handle nonunion material?

Mr. RICE. The union in those territories outside of those boundary lines, they always make an effort wherever it is possible to gain the work or get the work for its members.

Mr. THOMPSON. Well, how does it do that? What are the methods and tactics employed by the union to gain that point?

Mr. RICE. Usually our business agents or representatives, when they meet with the builders, they ask them and make personal requests upon them to give union labor a fair chance to get employment, and we ask them personally if they would give their contracts to union firms that do employ union labor.

Mr. THOMPSON. Well, now, with reference to that, assuming that the contractor does not accede to their requests in that respect, what else do they do?

Mr. RICE. In some cases, if a contractor refuses to take the question up with us or discuss it in any way, we give him the option if he desires to employ nonunion labor and get along and erect his material. We do not stop it. We never interfere with any man from using nonunion material or employing nonunion labor if he so chooses. We tell him personally, "If you can get along without our labor, do so. We are not compelling you to use our labor."

Mr. THOMPSON. But in such cases will your people work and erect nonunion millwork?

Mr. RICE. In some cases they do not, and in some cases they do.

Mr. THOMPSON. In some cases do they strike the job?

Mr. RICE. They may. It is according to what condition exists. It may be a condition on a job such as a public work. We understand the laws, the statutes, of the State of New York to provide that public work shall be performed under the 8-hour work law. Now, we often find nonunion mills accepting contracts from unscrupulous contractors trying to beat the game, as we call it, and doing the work in 10-hour mills, which we claim is a violation of the State laws. We try to bring the matter to a proper adjustment, but usually it is an expensive proposition, and the best method we have found was to refuse to handle it.

Mr. THOMPSON. That means you strike the job?

Mr. RICE. We strike the job.

Mr. THOMPSON. Now, in the case of private constructors, where a building is being erected for private persons, what would you do in that kind of a case?

Mr. RICE. Well, it is usually the case when we find a private constructor we usually only strike where this man has been cautioned once or twice or has had an agreement previously with our organization that he would employ union men directly or indirectly in the manufacture and erection of this material. Where we find that he breaks that tentative agreement which he makes with us, then we strike his work, because we believe that man is not living up to his word or his signature that he has signed to the contract with us.

Mr. THOMPSON. But take cases where he has not had a previous contract with you—

Mr. RICE (interrupting). We simply—

Mr. THOMPSON (continuing). But where you have made these demands once upon him you would strike that job just the same?

Mr. RICE. Why, any questions of that kind we usually caution him and warn him in a sense to employ union labor, both inside and outside, through the giving of a contract to a union firm rather than to those mills outside of the district. There are numbers of them.

Mr. THOMPSON. Do those mills have the same conditions you have in New York?

Mr. RICE. There are quite a large number of them break the eight-hour law outside of New York that direct the shipping materials here. There are numbers of them.

Mr. THOMPSON. Do those mills have the same conditions you have in New York?

Mr. RICE. There are quite a large number who work the eight-hour day outside of New York that directly ship material here.

Mr. THOMPSON. Do you erect their materials?

Mr. RICE. Absolutely.

Mr. THOMPSON. Without any question?

Mr. RICE. Without any question.

Mr. THOMPSON. You do not compel the mill owners to have mills here in New York?

Mr. RICE. No, sir.

Mr. THOMPSON. There is no arrangement that you have—that is, that your union has—with the mill owners of New York which compels only the use of millwork made in New York City and vicinity?

Mr. RICE. Absolutely none; because we would not tolerate anything of that kind.

Mr. THOMPSON. That is all, Mr. Commissioner.

Chairman WALSH. Do any of the commissioners wish to ask any questions?

Commissioner BALLARD. On that question of Mr. Thompson's, does that refer to the New York section or just certain sections of Manhattan and The Bronx?

Mr. RICE. That we insist upon union material?

Commissioner BALLARD. Yes.

Mr. RICE. It was conceded as a boundary line south of One hundred and seventy-seventh Street in The Bronx and all of Manhattan.

Commissioner BALLARD. In that section you insist on union material?

Mr. RICE. Yes, sir.

Commissioner BALLARD. Do you insist on the material that is made here in New York City?

Mr. RICE. No, sir.

Commissioner BALLARD. So long as it is union material?

Mr. RICE. That is all that is required.

Commissioner LENNON. There was some evidence submitted by Mr. Eldlitz pertaining to graft by representatives of the unions and sometimes by contractors, etc.; that is, for the purpose of graft, using the strength of the unions in order to obtain graft. Do you know anything about graft? Has that existed here in your time to any extent?

Mr. RICE. I can not personally say, except from rumor and hearsay, but my own personal experience I will tell you what happens, if you desire. I have nothing to hide.

Commissioner LENNON. That is what we want. We want to know the whole truth about the matter.

Mr. RICE. Following out my line of work, which was practically in trying to gain the work for our members in the shop and meeting with builders constantly, we found where they have given contracts with the possible idea of heating the game we usually find—in fact, I can say that in at least one dozen different instances I have been approached and offered a consideration for the purpose of closing my eyes to it.

Chairman WALSH. For the purpose of what?

Mr. RICE. Closing my eyes to the nonunion condition.

Commissioner LENNON. Who wanted you to close your eyes?

Mr. RICE. The men that were responsible, namely, the builders that got the contracts, etc., that violated it technically—our agreement they had agreed to with our organization.

Commissioner LENNON. Have you any reason to believe that that was done by any representatives of the union?

Mr. RICE. I can not say.

Commissioner LENNON. Of your own knowledge, you don't know?

Mr. RICE. I don't know of one particular case, to my knowledge, where I could openly say that I knew that this man or that man did receive a consideration of any kind.

Commissioner LENNON. Do you know of any cases where representatives of the union have approached contractors or architects or anyone connected with the furnishing of materials offering to use the strength of the union in their interest if they were paid for it?

Mr. RICE. No, sir; I know of no one case of that nature.

Commissioner LENNON. How do you govern the question of jurisdiction in the woodworking trade that the brotherhood covers? Is it different in New York from what it is in other cities? Do you try to govern your disputes as to jurisdiction differently here than it is handled in Philadelphia, or Chicago, or elsewhere over the country, or do you have a uniform system as to that?

Mr. RICE. In what sense do you mean?

Commissioner LENNON. I mean jurisdiction with other trades.

Mr. RICE. Jurisdictional disputes with other trades?

Commissioner LENNON. Yes.

Mr. RICE. I may say that here in New York the disputes probably are settled differently from what they are in Philadelphia; they are settled differently from what they are in Boston, etc. Each of those localities, in my opinion, have their own methods of settling.

Commissioner LENNON. Do you indicate by that that you believe that jurisdictional questions between unions can not be settled for the whole country alike; that there must be a difference in different cities?

Mr. RICE. The conditions are so varied in different cities that I believe it could not be accomplished by a national effort.

Commissioner LENNON. Then would you indicate to this commission by that that in the city of New York you would refuse to handle metal trim because of your dispute with the metal workers and in Chicago you would do the opposite, or in San Francisco you would do the opposite? Or that you would recognize their jurisdiction in one place and assert your jurisdiction in another?

Mr. RICE. You are speaking now of a question that we have taken up nationally. That is a question that nationally we stand together on.

Commissioner LENNON. On that proposition you have a national plan?

Mr. RICE. Yes, sir; I understood your former question to refer to a jurisdictional question—jurisdictional disputes, minor jurisdictional disputes, something which may crop up in this city and not crop up in another city, or crop up in another city, but not in a different city.

Commissioner LENNON. Were you a party in any way to the suits that have arisen here as between the brotherhood and some of the contractors? These suits?

Mr. RICE. You mean of the manufacturers?

Commissioner LENNON. Yes, sir.

Mr. RICE. Yes, sir; I have been named in most all of them.

Commissioner LENNON. You did not testify on that subject yesterday, did you?

Mr. RICE. I did to a certain extent; no, sir.

Commissioner LENNON. I do not remember that you did.

Mr. RICE. I did not in that case.

Commissioner LENNON. Tell us the origin of those suits, what they are and what is involved.

Mr. RICE. I may say, just as I explained in my opening remarks, that it was through the fact that the nonunion manufacturer, who was competing with the manufacturers or employers who employed union labor that a certain condition arose wherein the nonunion manufacturer, by some underbidding, slightly, gradually took away the work from the union manufacturer, who was paying the highest scale of wages and working less hours. The union men working in these various mills commenced to lose their employment, shops were being shut down through the want of work. These men, belonging to the same organization with the outside carpenter, carrying the same card, made an insistent demand upon the entire membership here for protection to try and get some of the work, with the ultimate result that the organization 10 or 12 years ago took up the question, and by the referendum of its entire membership here in Greater New York decided to support their shopmen by insisting that they would not use or handle the nonunion material unless manufactured by their shopmen, with the ultimate result that numerous strikes took place; in one case a large lockout took place between the carpenters and the National Employers' Association on that score. Another time we had no agreement for three years. I believe that was between 1906 and 1908, wherein that question between ourselves and the employers was the blocking stone, you may say.

Commissioner LENNON. And then these suits that grew out of that refusal, they came in the shape of injunctions and damage suits, did they not?

Mr. RICE. I was just leading up to that; yes.

Commissioner LENNON. Well, go on.

Mr. RICE. Then these manufacturers—I might say that we made some headway in our efforts to support our union men in the shops and get the work for them, with the ultimate result that the master builders signed a contract with us that they would use union material in order that they could use our union men. In other words, they agreed to use our men inside and outside, either directly or indirectly, through subcontractors. We took up the question here and ultimately settled it in this territory as described. We then took up the question in Brooklyn, with the same object in view, of trying to get the shops that were located in Brooklyn that employed our union labor a chance to get the work, as they were making the same complaints. Our members working over there were losing far more time than the average man working in any other locality. These complaints coming into the organization, we took the question up again in 1910, and the moment we attempted to take up the question and refused to handle this material a succession of applications for temporary injunctions was made by certain of these employers. The first one was the Newton case, then followed Bossert, Botchelek, and several others over there. I believe at the present time there are two permanent injunctions and three or four temporary injunctions standing against the organization. That is the origin of the injunction suits in Brooklyn. I might say also that there was also injunctions started against the organization in Federal courts by the Payne Lumber Co. and others. This injunction was vacated, and the court of appeals or the circuit court of appeals of the Federal

court, I believe, dismissed the appeal. I believe, as Mr. Merritt has stated, the matter is on appeal to the United States Supreme Court.

Commissioner LENNON. Now, there is one other matter I wanted to ask you—

Mr. RICE (Interrupting). Would you permit me to go ahead further on this question?

Commissioner LENNON. Yes; go ahead.

Mr. RICE. I would like to call the attention of the committee to this fact, that there is a peculiar coincidence there, that every one of these manufacturers who have sought injunctions are members, so far as we can determine and according to the statements and testimony in these trials, are members of this anti-boycott association. They are also in the majority members of the Retail Lumber Dealers' Association of Brooklyn, or what is known as the Eastern Retail Lumber Dealers' Association. We have investigated certain little matters pertaining to that lumber dealers' association and, I believe, if you will remember rightly, that very association, which is so strenuously fighting organized labor and working their men 10 hours for a less wage and against the union materials, etc., were under investigation themselves by the Federal authorities for a combination in restraint of trade. That is a fact, according to the investigation started. Now, this, as I say—these are all members of this anti-boycott association that is fighting us through court and trying to defeat our aims and objects. Our only aim and object is to gain the work and better our condition if possible. This very association is the one that is combating us at all times.

Commissioner LENNON. Suppose the materials that have been spoken of in Wisconsin—though that is not the only place where very bad conditions are alleged to prevail—suppose they were to put their mills on a good, clean basis in line with other union materials, would there then be any objection to handling their output if they became organized?

Mr. RICE. I don't believe there would, because the natural fact is this: When a mill or employer creates the same condition that exists in the union mills, without any fear or favor, I will say that he becomes a union mill through the fact that he himself asks his men if it is necessary to join the union.

Commissioner LENNON. I want you to tell us—there was a matter that arose yesterday that has to do with the ordering of strikes. Can you tell us what the law of the brotherhood is as to the members voting when a strike is to take place? Have you that clear enough in mind to state that?

Mr. RICE. In a question where it involves a general strike the question must be submitted to the referendum, and a majority vote must prevail before such action can take place. Where it applies to minor strikes, such as involves probably 8, 10, or 20 men, through the referendum of the membership, authority is given to the business representative to order those strikes or notify those men of nonunion conditions. Now, in making or framing our laws, the entire membership takes part and frames those laws. They say in certain clauses or certain sections of those laws, "We shall not work on nonunion material." Through that clause they authorize their agents to notify them of that fact, and the moment their agents notify them of that fact they know that they are violating the principles which they have obligated themselves to when they became members.

Commissioner LENNON. Well, then, the union by vote has authorized a representative under certain circumstances to call a strike?

Mr. RICE. Absolutely, at all times. It is not the representative; it is the membership of the organization. It notifies its servants that they must do thus and so as per our laws that we have passed.

Commissioner LENNON. Well, now, tell us as to how it works out in the cooperation between different trades in the building trades. Suppose the plumbers are in trouble, and they want the carpenters to go out and help them, where has the authority been vested and how has it been vested in your business agents to call your members out?

Mr. RICE. Through the same method. I might quote now when I say this, I will mention one organization in order to bring it out clear. When the carpenters' district council, which is composed of sixty or seventy-odd local unions in Greater New York, decided to join the building trades council they referred the question to its members, and its members decided to authorize its agents to make application to become seated in that body. Knowing the conditions, and when we become seated in there we obligated ourselves to stand by the other

trades in case they call upon us to assist them where nonunion men were being employed, we have done so, and the result is, as I said, it is through the referendum vote of the organization in notifying or instructing its representative to become seated that they obligate themselves as a whole to abide by any laws that the business representative is obliged to adhere to when he becomes seated in that body.

Commissioner LENNON. Will you furnish us with a copy of the constitution of the brotherhood?

Mr. RICE. Why, I can have you furnished with one of them.

Commissioner LENNON. Within a day or two?

Mr. RICE. Yes.

Commissioner BALLARD. When you create a strike of your union to protect some other union where they work nonunion men, what do you call that? Is that called a sympathetic strike or a secondary strike or what?

Mr. RICE. It is called a sympathetic strike. But I might go on and explain further in relation to the building trades council. It is not absolutely necessary that a man or any organization is compelled to strike. While we obligate ourselves to stand by one another on a question of that kind, certain conditions may arise or certain circumstances may be attached to that which will not be compulsory upon the trade who have their union men working there to take them out on that job. For instance, I will give you a clear case. As Mr. Merritt here called your attention to one case, I will contradict him very plainly, and I can back it up with absolute proof. He mentioned the Allowin Court Job where the carpenters were on strike. He said that the other trades went out on strike on that job in support. The other trades went voluntarily on strike there for 24 hours, and through the fact of them being affiliated with the employers' associations through trade agreements they were compelled to go back the next day. The carpenters not being—or having an agreement with the employers' association at that time was the organization that was at loggerheads and each had a fight on its own hands. So that, you see, the explanation as rendered by Mr. Edlitz on that point is clear and true. When a trade is outside of the pale of the employers' association it does not get the universal support of the other trades which normally applies in the case of the Ironworkers, as it was expressed here and shown to you. Unfortunately, that condition exists. That is the reason that the numerous trades, in my opinion, are opposed to the plan of arbitration as it exists to-day.

Commissioner BALLARD. Why is it your organization does not work with the iron trade that you spoke of?

Mr. RICE. I mean, we do work with them.

Commissioner BALLARD. Well, why is it you do not support them?

Mr. RICE. We do wherever it is possible, but under our trade agreement with the employers' association, which existed up to January 1, 1913, in that trade agreement there is a provision, a specific clause, there shall be no sympathetic strike. The only way we could take that question up would be by bringing in the complaint or lodging the complaint with the executive body of that association, and asking them to take the matter up for consideration and give us some redress.

Chairman WALSH. Has anyone anything else? I will ask you, Mr. Rice, have you any definite policy with reference to the practices you have mentioned here about the employers attempting to bribe you to betray your fellows? That is, do you report that to the organization, or what is done about it?

Mr. RICE. Well, we have. I have reported it in numerous cases; in fact, if you can get a copy of the testimony in the Newton case you will find one employer who got up on the stand and testified that he attempted to bribe me, and when I refused he was very glad that I did, because he openly stated at the time that he realized that he had made a mistake, and that I could have gained a certain consideration without any trouble whatever.

Chairman WALSH. What is the Newton case?

Mr. RICE. It is a case against the organization for refusal to handle their trim, the Newton Co. being a manufacturer of sash, doors, trim, etc.

Chairman WALSH. Is it one of the cases mentioned by Mr. Merritt?

Mr. RICE. But that is not the case—excuse me a moment and allow me to explain. This is not the case, but one of the Newton jobs where there was trouble, but a different job entirely; but it was on nonunion work.

Chairman WALSH. Was it one of the cases about which Mr. Merritt testified?

Mr. RICE. No.

Chairman WALSH. Was Mr. Merritt attorney in the case?

Mr. RICE. Yes, sir.

Chairman WALSH. Was this man who attempted to bribe you a member of any organization or association?

Mr. RICE. No; he is an independent contractor.

Chairman WALSH. Have you ever brought charges against any members of the employers' association for practices of that sort, and attempts of that kind?

Mr. RICE. Well, I will tell you frankly. We realize the uselessness of trying to do such a thing.

Chairman WALSH. Well, some of these people that have approached you, were they members of organizations—

Mr. RICE (interrupting). No, sir; not as a rule. They are always independent.

Chairman WALSH. Now, what I want to get at, if possible, is, do you have any established policy when a man approaches you in that way? Do you report it always to your union in each individual case?

Mr. RICE. We do; we report the matter to our executive or our committees in our district, and make report that this employer, or that contractor, has attempted to settle the matter through financial consideration.

Chairman WALSH. Has the union any definite rule in regard thereto—any written rule or any provision in its by-laws or constitution referring to the matter?

Mr. RICE. No.

Chairman WALSH. Has the union any system of fining employers for failure to carry out agreements?

Mr. RICE. We have. Not a system of fines, but we have done this, which we believe was perfectly legal and legitimate: When a contractor or a manufacturer or any other employer of our men made a contract with us to employ our labor, etc., and has violated that contract, and we find it to be so and proven, when we have taken our men away if they desired again to have our men in certain cases we have insisted on them putting up a bond that they would live up to the faithful performance of the terms of their contract. In some instances these employers have violated it again and they have forfeited their bonds.

Chairman WALSH. Was the bond put up in cash?

Mr. RICE. In cash in certain cases, and in others it was put up by a bonding company.

Chairman WALSH. When it was put up in cash, in whose hands was the cash deposited?

Mr. RICE. In our office, into the hands of our district secretary.

Chairman WALSH. And who determined the amount of that which should be forfeited?

Mr. RICE. That was determined when the question was first taken up; for instance, if we found—

Chairman WALSH (interrupting). That is, you agreed on how much damages should accrue in case of forfeiture, is that correct?

Mr. RICE. Yes, sir.

Chairman WALSH. And in the cases where bonding companies put up the bond, was it paid without litigation in those cases where—

Mr. RICE (interrupting). Never attempted to collect on one of them; never had occasion to go that far. I may say that probably there have been only three or four of these cases, or five, within the last eight years.

Chairman WALSH. Now, in the cases where cash was put up in lieu of bond, who passed upon the question of the breach of the contract?

Mr. RICE. We passed upon it; when we found that he had violated it, and notified him of that fact.

Chairman WALSH. You notified them of that fact and said it was violated and took the money?

Mr. RICE. We did not take it; we kept it; we had it.

Chairman WALSH. Kept the money. Now, what was done with the money? Did it go into the general revenues of your union?

Mr. RICE. Well, it was used mainly to support the members that were out of work, or bad quit.

Chairman WALSH. Now, prior to that, were those funds set aside in a separate account some place?

Mr. RICE. Well, that I can not say. That is a matter I can not answer, whether or no the office had set that amount aside.

Chairman WALSH. Who would know about that?

Mr. RICE. Probably our secretary.

Chairman WALSH. Approximately, what were the sizes of these bonds? How much was deposited in cases where cash was deposited? I just want to get the general idea of how large an amount it was.

Mr. RICE. In some cases it was \$100, \$200, \$500.

Chairman WALSH. What was the highest amount?

Mr. RICE. \$1,000.

Chairman WALSH. And the lowest amount?

Mr. RICE. \$100.

Chairman WALSH. And how were they forfeited? Were all of them forfeited, or a few of them, or approximately how many?

Mr. RICE. Why, in the case of the cash bonds, I would say there were about even or eight within the last eight years, to my knowledge; and there was a—

Chairman WALSH. What percentage of the cash bonds put up were forfeited?

Mr. RICE. I am speaking of the amount of cash bonds forfeited; about seven or eight within the last eight years.

Chairman WALSH. How many were put up?

Mr. RICE. Perhaps about 15.

Chairman WALSH. Where is the money in cases in which the bonds are not forfeited?

Mr. RICE. Returned back to the employers.

Chairman WALSH. Are they put up for a definite term?

Mr. RICE. For a certain period.

Chairman WALSH. Fixed period or uniform time?

Mr. RICE. In a whole lot of cases it was definitely agreed by the employer but when he put up the bond that he would live up to the terms of his agreement as specified.

Chairman WALSH. For how long?

Mr. RICE. One year. In other cases—if you will permit me to explain it further in detail—it was put up as a guarantee that the firm would employ union labor exclusively for a certain period. For instance, when we run into proposition where nonunion conditions prevail all around, where the employer—and that applied to the great big fixture concerns—where they employ nonunion men both inside and outside—of course, we would not work with the nonunion men, and when we quit our work the employer would come forward with the offer to unionize or employ union men within a certain period. The first time the question would be taken up with them and no end of any description but his signature to the contract would prevail. If he then broke that and we found occasion to run into him the second time, then we would exact a forfeiture bond before we would deal with him.

Chairman WALSH. In the practice, was it ever the custom for the unions to put up a cash bond to the contractor?

Mr. RICE. Well, I don't know as we ever had any necessity, because we, as a rule, live up to the terms of any contract we make, because it applied only to the employment of labor on our side, and we have always supplied it.

Chairman WALSH. So that was not done? You never put up any cash bond?

Mr. RICE. We never had any occasion to.

Chairman WALSH. That is all.

Commissioner BALLARD. I want to ask you another thing. When you put up a bond, was that bond put up voluntarily, or was it exacted as a condition precedent to returning to work, or doing something of that sort?

Mr. RICE. If the firm desired our labor, they volunteered in most of these cases to put up these bonds, the same as I stated that they volunteered to settle with me personally for a consideration. It was all voluntary as to all matters.

Commissioner BALLARD. You said it was necessary to have a bond because sometimes they did not keep their contracts, as I understand?

Mr. RICE. Yes. There are a certain number of employees that we certainly at all times must persistently watch and keep tabs on because they are always trying to beat the game.

Chairman WALSH. That is all.

Mr. RICE. Could I be permitted to say one word? I note here that Mr. Merritt, representing the anti-boycott association, has submitted a copy of Mr.

Justice Putnam's position on the Bossert trial relative to the injunction, I would like to ask to be permitted to submit a decision in a contempt proceeding in which they attempted to have me, as a representative of the organization, committed for an alleged violation of this order. Could I be permitted to submit Mr. Justice Crane's decision in this matter?

Chairman WALSH. We would be very glad to have it, indeed.

Mr. RICE. Because it bears entirely on this question of the right of union labor to strike.

Chairman WALSH. Just submit it to the stenographer.

(The document is and was in figures as following, to wit:)

Supreme Court, Kings County.

LOUIS BOSSERT ET AL. P. THE UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA AND JOHN RICE.

Walter Gordon Merritt, Esq., for the plaintiff; Charles Maitland Beattie and William P. Maloney, Esqs., for the defendants.

CHARGE, J. The firm of Goldberg & Smith were constructing under contract with the owners a building at the junction of Monroe and Grand Streets in the Borough of Manhattan; Louis Bossert & Sons were furnishing, under contract with Goldberg & Smith, all the woodwork for said building, such as doors, sashes, window frames, and trim. John Rice was the agent and organizer of the United Brotherhood of Carpenters and Joiners of America, a labor union consisting of about 200,000 members, of whom about 40,000 worked in union mills and the others on buildings installing trim. Said Rice is now an agent and officer of this brotherhood which has a joint district council in New York and vicinity. It is a rule of the brotherhood or union that the members who work on buildings will only work on the trim made by their own members in union mills. If members violate this rule or mutual agreement, they are subject to a fine of \$10.

The carpenter mill of Louis Bossert & Son did not employ union men or members of the Brotherhood of Carpenters. Consequently the members of the brotherhood engaged to work upon the building heretofore mentioned refused to work upon learning that the trim and woodwork to be furnished them was nonunion work. An injunction has been obtained in an action brought by Louis Bossert & Son against John Rice and others representing the Brotherhood of Carpenters enjoining each and all of them "from conspiring, combining, or acting in concert in any manner to injure or interfere with the good will, trade, or business of the plaintiffs' copartnership, for the purpose of coercing plaintiffs to employ union labor either:

"First. By sending to any customer or prospective customer of the plaintiffs any letter, circular, or communication, printed, written, or oral, which, in terms or by inference, suggests that labor trouble will follow the use of materials purchased from plaintiffs, or from any person, firm, or corporation declared unfair or whose material does not bear the union label, meaning plaintiffs' thereby, or

"Second. By ordering, directing, requiring, or by compelling by any by-law, rule, or regulation or any act thereunder, any person whatever to refrain from or cease working for any person, firm, or corporation because they used material purchased of or furnished by plaintiffs, or by any person, firm, or corporation declared unfair or whose materials (sic) does not bear the union label, meaning plaintiffs thereby.

"But nothing herein contained is to be construed to prevent peaceable strikes, except those directed against customers or prospective customers of the plaintiffs, for the purpose of interfering with the good will, trade, or business of the plaintiffs' copartnership."

Subsequently to the obtaining and service of this injunction the defendant, John Rice, went to the building in question and spoke to members of the brotherhood at work on the nonunion trim, who thereupon ceased work.

This motion is made to punish the said John Rice for contempt in having violated the injunction and illegally interfering with plaintiffs' business.

If these carpenters to whom Rice spoke voluntarily left their work without any compulsion from Rice or his organization there was nothing wrongful in his acts. The courts can not compel men to work and they can leave for any reason they see fit, or without reason; and if it be that the carpenters in this case desired to comply with the rules and regulations of their brotherhood there is no law that can prevent them or could prevent Rice from informing

them that the trim was nonunion material. The injunction quoted from does not restrain such deeds, as the act prohibited must be under some compelling or directing by-law, rule, or regulation of the union. This could not include the giving of information to workmen as to the nature of the material they were at work upon, leaving to them the voluntary determination to stay or leave as they saw fit. No injunction could keep them at work, therefore their reason for leaving is immaterial as long as it is voluntary. What John Rice said to these men when they threw down their tools and left is not stated in the moving papers and it is left to hearsay statements to be inferred that he told them they would be fined, while answering affidavits of the men themselves state that they left the work voluntarily under no threats as soon as they knew the material was nonunion. The defendant Rice swears that he made no threats. Under these circumstances I would find, as a matter of fact, that the injunction had not been violated by the defendants proceeded against.

But assuming that the contention of the plaintiffs is correct and that John Rice did tell his men that the material upon which they were working was nonunion material, that they had agreed upon entering the brotherhood not to work upon nonunion material, and that they would have to comply with this rule of the union or be fined or expelled, would this be a violation of the injunction order?

The last clause above quoted from the injunction stated that nothing therein contained shall prevent peaceable strikes except those directed against customers of the plaintiff for the purpose of interfering with the good will of the plaintiffs' copartnership. The whole question turns, as it does in all these cases, upon the purpose for which the act is done. If it is for the purpose of injuring plaintiffs' business or its good will, it is illegal and within the terms of the injunction; if it be done for the purpose of legitimately advancing the interests of the brotherhood and of procuring employment for their fellow members who work in mills, or of procuring a market for such work, by refusing to handle trim not made in such mills, I can see nothing illegal in it, and the purpose is not within the terms of the injunction order.

It is certainly legal for a body of men to agree among themselves that they will not work under certain conditions or upon certain kinds of material. As men can not be compelled to work at all they may place any conditions they please upon their employment. They can, for instance, agree among themselves that they will not work upon carpenter trim which has not been made by their fellow members. This is a lawful means by which they place in competition in the markets the labor of their fellow mill workers or the product of such a mill. When at work upon a building in which carpenter trim is to be used these men, in carrying out their purpose and agreement, may quit work or refuse to work because the trim has not been made by men of their brotherhood. Unless by force, threats, or intimidation they are compelled to leave the work there can be nothing illegal in calling their attention to the fact that the trim they are handling has not been made by their fellow members, and that to continue working upon it would be in violation of their mutual agreements. It would not amount to force, compulsion, or intimidation to state to these men that they were perfectly free to continue at work upon this nonunion material if they desire, but that by so doing they could not expect to continue in the brotherhood with their fellow members and receive its benefits, and would therefore be expelled. (See the opinion of J. Holmes in *Vegeahn v. Gnnther*, 167 Mass., 92, at p. 107, as to the meaning of "threat" and "compulsion"; also *Peo. v. McFarlin*, 43 Misc., 591.) If it be legal to form such a union with such a purpose and such agreements it certainly could not be illegal to expel a member because he refused to abide by the rules and agreements of the union.

Such is the basic principle of every religious, political, and social organization; men can not be compelled to join them, neither can the association be compelled to keep them after they refuse to abide by its reasonable rules and regulations. If these carpenters in question have legally agreed with their 200,000 fellow members that they will advance the interests of the 40,000 working in mills or others who desire to work in mills, by refusing to handle trim not made by such men, I fail to see anything contrary to law in giving force and effect to this agreement by informing members that the material they are about to handle has not been made in mills employing their fellow associates, that the rules of their order prohibit their handling it, and that if they do they will be expelled from the order or fined in accordance with its rules. So long as these men are left free to work upon the nonunion material if

they so desire and no force, threats, or intimidation are used to compel them to leave, it certainly can not be considered compulsion or intimidation within the terms of the law that they are reminded that they will be expelled or fined in accordance with their agreement. To enjoin such acts would be to destroy by law that which the law has declared legal, and, in fact, beneficial to society. To say that men may organize and refuse to work under certain conditions or upon a certain class of material and then compel the organization to keep in membership those who refuse to abide by its purpose is to destroy the organization.

If there be the power of expulsion there must of necessity be the lesser power to fine according to rules, provided the person desires to retain membership in the organization.

It is a question of fact and not a question of law which is the basis of all cases of this nature. If the purpose be to honestly and fairly advance the interest of the working men it can not be illegal to enforce the rules and obligations of the union, provided the member is left free to get out and work as he pleases.

If, however, the object of the order or the purpose of its actions under any rule or regulation be simply or principally the malicious injury of another or his property, then the agreement is but a common-law conspiracy. The question in all these cases is, as I say, a question of fact, which is the purpose aimed at.

The acts which I have assumed above to be legal are clearly distinguishable from all those acts which partake of the nature of the boycott. If the members of the union aimed directly at destroying Bossert's business, it would be illegal, and by refusing to work on his material while they were perfectly willing to work on other nonunion material of like nature, would be strong evidence of a purpose to directly injure his business and not to advance the interests of the union. If they sought to procure men of other trades to quit work for the owner of the building where Bossert's material was being used, or sought to procure the customers of the owner to refuse to deal with him so long as he used Bossert's material this would all be of the nature of a boycott, but there is nothing in the nature of a boycott so far as I have been able to find in the refusal of men to work upon or handle material not made by members of their own union.

It will be noted that these striking men in no way interfered with the business of the owner or contractor using Bossert's material; they did not prevent him from employing other carpenters not members of their union; they did not even try to persuade him not to employ such, neither did they attempt to persuade or prevent other tradesmen from working for such owner or builder or in any manner injure his business; they merely refused to work for him; that's all. In these particulars the case differs from all the boycott cases.

Much emphasis has been laid by counsel for the plaintiff upon the recent case of *Newton v. Erickson* (128 N. Y. Supp. 949, affirmed by the appellate division without opinion in 144 App. Div., 939). It was distinctly found, as a matter of fact, not as a matter of law, that injury to the plaintiff was the very result aimed at by the combination. There has never been any dispute about the law that a combination for the very purpose of injuring another was illegal. The facts vary with each case, and where a legitimate purpose and not a direct injury to another is apparent there is nothing illegal in the combination. As I have said, the opinion of the learned judge was based upon a finding of fact that the purpose was a direct injury to the party seeking relief, or as said in *Ertz v. Produce Exchange*, 79 Min., 140, "the interference was not to further any legitimate interest of workmen, but done maliciously to injure another." And again, "any number of men jointly having no legitimate interest to protect, may not lawfully ruin the business of another, etc." In *Lohse Patent Door Co. v. Fuelle* (215, No. 421) such a fact was specifically admitted, as the case arose on a demurrer to a complaint stating such direct injury to be intended.

The distinction between the *Newton* case and the facts as presented by this case is that the very result aimed at here is not to injure Bossert & Son, but to advance legitimate interests of the members of the brotherhood.

I believe that such acts as the plaintiff here claims the defendant, John Rice, and the Brotherhood of Carpenters to be guilty of have been recognized by the authorities of this State as being legal in that the purpose was apparently not to injure another, but to advance legitimate interests of their own. Such an authority is *National Protective Association v. Cummings* (170 N. Y., 315). It was there held that a labor union may refuse to permit its members to

work with fellow servants who are members of a rival organization, and may notify the employer to that effect, and that a strike will be ordered unless such servants are discharged, when its action is based upon a purpose to secure an exclusive preference of employment to its owners.

"It is only," says Judge Parker, "where the sole purpose is to do injury to another or the act is prompted by malice that it is insisted that the act becomes illegal."

In that case we have competition of labor. McQueed, the steam fitter, objected to, had his labor to sell. The members of the National Protective Association had their labor to sell. They refused to work where McQueed's labor was hired, and their purpose and the resulting strike were declared legal and in accordance with fair competition. I take it that material is entitled to no more protection than labor; that before the law labor and material are both property entitled to equal rights. In this present case carpenter trim which Bossert & Son have for sale is no more sacred than the labor and skill which McQueed had for sale in the above case. The Brotherhood of Carpenters say in this case, "40,000 of our members are in mills making carpenter trim which is in the market competing with Bossert's trim. In order to help these fellow members of ours keep their employment by marketing their product, as well as in procuring like labor for others in the mills, we refuse to work with or upon material not made by our men." Where is the distinction to be drawn in principle between this case and the Cummings case? One is the competition of labor and the other is the competition of manufacture. If the actions in one case are legal, so must be those in the other.

It may be claimed that it is very difficult to distinguish between a purpose to advance the interest of the members of an organization and the purpose to directly injure another man's business, but the distinction exists in spite of the difficulty and has been repeatedly stated in such words as are found in *Jills v. U. S. Printing Co.* (99 App. Div., 605, at p. 612): "There is a manifest discrimination between a combination of workmen to secure the exclusive employment of its members by a refusal to work with none other, and a combination whose primary object is to procure the discharge of an outsider and its deprivation of all employment. The difference is between a combination for the welfare of self and that for the persecution of another."

That men may combine and refuse to work with others who are not members of their union finds support in *Pickett v. Walsh* (192 Mass., 572) and *Gray v. Building Trades Council* (91 Minn., 171).

If it be legal to refuse to work with nonunion men and strikes may be called to oust them, so likewise may men refuse to work with nonunion material. Labor is as much property as woodwork, and the law which will not protect the one in this particular can not protect the other. It is only when the labor organization goes beyond this mere refusal to work upon nonunion material and by other acts seeks to injure a nonunion manufacturer that the law is transgressed. This rule has found expression in *Toledo A. A. & M. M. Railway Co. v. Pennsylvania Co. et al.* (54 Fed. Rep., 730), as follows:

"Ordinarily when such a combination of persons does not use violence, actual or threatened, to accomplish their purpose, it is difficult to point out with clearness the illegal means or end which makes the combination an unlawful conspiracy, for it is generally lawful for the combiners to withdraw their intercourse and its benefits from any person and to announce their intention of doing so, and it is equally lawful for the others, of their own notion, to do that which the combiners seek to compel them to do. Such combinations are said to be unlawful conspiracies, though the acts in themselves and considered singly are innocent, when the acts are done with malice, i. e., with the intention to injure another without lawful excuse."

Assuming, therefore, that the plaintiff's contention be correct and that John Rice went to the carpenters at work on the Grand Street building—members of his brotherhood—and told them that the trim was nonunion work; that to continue to handle it would be against the rules of the union, for which they would be fined; and that thereupon the men quit work—yet this was not a violation of the injunction, as it was a peaceable strike, for the purpose of advancing the interest of the brotherhood and its members, and not for the purpose of interfering with the good will of the plaintiffs' copartnership.

Motion to punish for contempt denied, with costs.

September 17, 1912.

(Signed)

F. E. CRANE, J. S. C.

Chairman WALSH. Anything else that you have that you think is pertinent to the questions that came up yesterday, in the way of transcripts or any documents that you believe throws light on the subject or refutes anything that has been said here, as well as the constitution and by-laws of your brotherhood, we would like to have you submit.

Is there anything else that suggests itself to you, Mr. Rice, by any of the questions which were asked you yesterday that would throw any light additional to the light already thrown on this subject?

Mr. RICE. There is one little matter.

Chairman WALSH. That you have not been interrogated about?

Mr. RICE. There was one matter that was not very strong. In addressing your commission Mr. Merritt made certain statements relative to the employers when they discharged their mechanics for being incompetent. I only want to say this, and call the attention of the commission to this fact: In my personal experience as a mechanic I have found that when the man who is fairly intelligent, understands his laws, and desires to abide by the constitution and by-laws of his organization, that when he attempts at any time to consistently abide by them, there are numerous employers that take advantage of that fact, and that man is discharged, either for being incompetent or he is not needed. I have had one experience in my time. I was out for nine months, for the simple reason that I went and told a man that I thought he was violating the law. I was discharged from the employ of that firm, and reinstated by the organization because I proved the case, but, unfortunately, when I left that firm I couldn't get a job for nine months afterwards. Every place—in fact, there is no name; I can not mention any name—but one individual employer deliberately told me to my face—he says: "Rice, I would like to give you a job, but," he says, "you are not wanted around in these shops, somehow. You better look elsewhere." He says: "You can go out and tell the organization, but I am going to deny it." Those are the very words he used to me. He says: "You are not going to get me the same as you got the other fellow."

I only give it to show that when a man attempts to live up and be straight—a straight union man—that there is discrimination shown in any number of cases. We have to deal with it every day, day in and day out.

In relation to that matter relative to the western shops where the employment of women and girls is being used, I want to say this: That we found, upon investigation, that numerous women and girls work in those shops; there was a certain percentage of them working on those buzz saws and woodworking machinery without any question of any man that has ever been into those mills, is one of the most dangerous occupations that anybody can follow. As I have testified here, in our organization we have a certain percentage of men, and it runs into 80 per cent, where they are malmed. There is not one of us that follows that calling that has not, at one time or another, got a slight defect on his fingers in some way. I have got one and I am very lucky [exhibiting his hand]. That is a cut from a shaper. When they employ women and girls to man that machinery I believe it is an outrage from a moral standpoint.

Mr. THOMPSON. I would like to ask you one question, Mr. Rice, but only one. Do you know whether or not any action has been brought against any of the Wisconsin mill manufacturers as the result of the Wisconsin law in regard to the employment of women and children?

Mr. RICE. I don't know of any personally; no, sir.

Chairman WALSH. Mr. O'Connell would like to ask you a question.

Commissioner O'CONNELL. I understood you to say yesterday that you were formerly delegate to the so-called arbitration plan.

Mr. RICE. No, sir; not me. I never was a delegate to the general arbitration plan.

Commissioner O'CONNELL. Was your organization a party to it?

Mr. RICE. Yes, sir; I will qualify that; I can say I was and I was not, because when I was elected or selected by the board of carpenters to represent them—

Commissioner O'CONNELL. That doesn't matter. It was simply the incident that I wanted.

Mr. RICE. In the general arbitration plan—

Commissioner O'CONNELL. Never mind. I will get at it later. You know that the arbitration plan did exist years ago?

Mr. RICE. Yes, sir.

Commissioner O'CONNELL. Its operations were stopped because of some trouble with the steam fitters?

Mr. RICE. Yes, sir.

Commissioner O'CONNELL. It is not now operative?

Mr. RICE. No, sir.

Commissioner O'CONNELL. But it is in some underhanded way, isn't it, dealing with the unions and operating?

Mr. RICE. It is operated now, according to my opinion, in a one-sided way.

Commissioner O'CONNELL. Doesn't its officers or officials or secretary meet with the officials of the union and treat with them now in troubles on buildings, etc.?

Mr. RICE. I would have to qualify that in order to give you a clear conception. When a jurisdictional dispute arises—

Commissioner O'CONNELL. I don't care about jurisdiction. Supposing a strike occurs on a building?

Mr. RICE. If they have a trade agreement with that particular association, for instance, if the carpenters should have a strike on a certain job wherein a member of the employers' association is the general contractor, the question would be taken up in the trade board of the Master Carpenters' Association, provided he was a member of that association.

Commissioner O'CONNELL. Does representatives of, for instance, your board of business agents I will call it—don't they deal with the officers of this employers' association?

Mr. RICE. No, sir; not officially.

Commissioner O'CONNELL. Not officially?

Mr. RICE. No, sir.

Commissioner O'CONNELL. But you do see them, don't you?

Mr. RICE. We do see them through the agreements with our independent organizations.

Commissioner O'CONNELL. Then the officers of the building trades association do not meet you officially?

Mr. RICE. No, sir.

Commissioner O'CONNELL. They do meet you?

Mr. RICE. They meet us as representing the organization individually, but not as members of the trades council.

Chairman WALSH. Is that all?

Commissioner O'CONNELL. That is all.

Chairman WALSH. We are very much obliged to you.

Call your next witness.

TESTIMONY OF MR. D. EVERETT WAID.

Mr. Wain. May I have the privilege of reading from notes which I brought with me?

Mr. THOMPSON. I would like to ask you some questions first, if you please. Will you give us your name and address and your profession?

Mr. WAID. D. Everett Waid, 1 Madison Avenue, and I am an architect.

Mr. THOMPSON. Are you practicing in the city of New York?

Mr. WAID. For the past 15 years I have been practicing in New York and about 10 years previously in Chicago.

Mr. THOMPSON. What has been the character of your work, if I may ask?

Mr. WAID. General practice, and also considerable consulting practice in which I have had to do with the construction of buildings on which my clients have made the loans.

Mr. THOMPSON. Has your work had to do with the section of the city principally south of One hundred and seventy-seventh Street?

Mr. WAID. Yes, sir; Manhattan from the extreme south to The Bronx.

Mr. THOMPSON. You say you have a statement that you would like to read?

Mr. WAID. Yes, sir.

Mr. THOMPSON. What is the nature of the statement, and what does it cover?

Mr. WAID. The statement was prepared in the main by the president of our organization, who happens to be absent from the city at the present time, coming at the request of your commission to testify and after consultation with the members.

Chairman WALSH. About how much of a transcript is there, Mr. Waid?

Mr. WAID. I think I could read it within 5 or 10 minutes.

Mr. THOMPSON. You may read it.

Mr. WAID (reading):

LABOR CONDITIONS IN THE BUILDING INDUSTRY IN NEW YORK.

MAY 2, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS:

In response to the request of the United States Commission on Industrial Relations, the executive committee of the New York Chapter of the American Institute of Architects begs leave to present the following considerations with regard to the labor conditions existing in the building industry of the city of New York and neighboring territory. In presenting these views it is proper to say that the time allowed for the preparation of this statement did not permit of any formal action on the part of the architects as a whole. An attempt was made to get a report from at least 250 architects on these subjects, but it can hardly be claimed that the opinions here given would meet with their universal assent.

A. General advantages of a unionized building industry.—It is very generally recognized by the architectural profession that there are many advantages in well organized, well articulated labor conditions. A large city like New York requires a large supply of skilled men available at short notice at predetermined wages. Closed-shop conditions have existed in this city for many years and there is no doubt that they have conduced to better workmanship, in that they have attracted the best skill from other parts of the country.

A different opinion on this point is held by some architects who believe that skilled men are naturally attracted to the cities where better opportunities for employment are found; and that unions, while they raise wages, at the same time reduce efficiency.

A large percentage of the buildings being erected in this district are buildings which require high speed in execution and the cooperation of many different complex trades. It would probably be impossible to handle the building projects which are constantly being executed here were it not for well-organized unions in the building industry. The union-fixed labor rate, moreover, has the advantage that it enables the contractor to estimate in advance what his labor is going to cost and prevents the reckless construction methods and the reckless workmanship which would undoubtedly ensue if no fixed union rate were established and if any person could go into the market with any class of work to undertake the difficult building work of the city. It is unquestionably true that wherever the unions do not control the situation, in certain classes of building work in the outskirts of the city, there the workmanship is poorer and the danger of really reckless construction greater. While the unions undoubtedly help poor men to get good men's wages, it is also fair to say that the more skilled workmen attracted into the unions have amply justified, at least in certain trades, their larger wage. It is the experience of many architects that even in districts outside of New York where unions do not control the work and where cheaper labor may be employed, it is more profitable to secure city men at higher wage to do the work than to employ the local men at a lower rate, because of the larger output and greater skill of the former.

On the other hand, it is fair to say that there are some of the finer trades where the public has distinctly suffered from the complete unionization. Architects find occasionally when they are anxious to secure a particularly artistic result that the worker best qualified to produce that result is not permitted to install his work in any building in course of construction. The unions have practically disbarred many independent workers. There is an unquestionably unjust discrimination in the refusal of the union laborer to work with nonunion men or to work in a building in which any nonunion-produced product is installed. The public has suffered in that it has been unable to secure certain worthy and valuable products that otherwise would have been at its disposition. It is in the more artistic work that this is most noticeable.

B. Trade agreement restricting the quantity of the output.—It is difficult for the architects to prove the existence of such agreements. It is rather a matter of common knowledge. Some of these agreements are undoubtedly of temporary character and others have been abandoned apparently because they can not be enforced, or the competition of work done in other cities has forced their abandonment. Although we do not actually know at the present time of any such restrictive agreements, we see from time to time what appears to be their evidence. Whenever and wherever they occur they unquestionably increase the cost of work and are unjust to the public.

C. Monopolistic agreement between contractors' association and labor unions.—It is pretty well understood that agreements of this kind do or did exist in the plumbing trade, in the marble trade, in the tile industry, and in some of the others. Whatever the specific detail of such agreements may be they consist in the main of an arrangement on the part of certain associations of employers whereby they agree to employ only men of a specific union or unions, and in return the men of that union agree to work only for the trades association, provided that that work is available for them or there is demand for their services from such employers. It has been said that the men are at liberty to work for other employers if the organization employers do not need them, and, on the other hand, that employers are at liberty to take outside men, provided a sufficient supply of union men is not provided on their demand. For this reason it is claimed that the restrictive agreement in no way injures the public. As an actual fact, it is almost impossible for anyone outside the agreement to depend on the execution of work, since his men are apt to leave him at any time if there is call for them elsewhere. An outside employer may be unable to get any men at all if there is a general demand for workmen on the part of the association employers. In a city where the building trades are so completely unionized as in New York it practically forces a contractor desiring to do important work into the association. In the nature of things the association controls the trades and the work. Such agreements have unquestionably resulted in the suppression of competition. They have enabled contractors' associations to parcel out the work in their trades to their own members or to divide profits at the expense of the public.

D. Jurisdictional quarrels between unions.—One of the commonest sources of trouble in this city has been the jurisdictional fights between labor unions. There are constant changes due to new methods in the building industry. The carpenters, as an instance, find their work gradually decreasing owing to the adoption of metal trim. The trade is naturally anxious to secure for its union as much work as possible. Union metal workers and union carpenters call strikes on each other and cause delay and expense to the public. The pipe-fitting trades are frequently offenders in the same direction. It has been the experience probably of almost every architect after he has had work installed by one set of union men to be afterwards forced to tear it out and have it reinstalled by another set of union men. We have even had records of cases where union work had to be torn out a second time because a later decision assigned the work of installation to a union more powerful than the others. This is probably the most aggravating trouble that the building industry has suffered from in this city. It is absolutely unjust to the public and leaves it helpless.

E. The public has suffered from conditions that now exist in one other direction; namely, where members of powerful contractors' associations have agreed between themselves not to undertake to replace each other in the completion of contracts. This case arises frequently where the original contractor has been removed from a certain piece of work, whether for a good reason or not, and where it is necessary to get some one else to complete it. In some trades it is almost impossible to secure any other workmen to do the work whether working under a general contractor or not. There is undoubtedly a reason for such refusal in cases in which a dishonest owner has attempted to cheat a contractor by refusing to pay him. On the other hand, when a contractor fails to carry out his work properly, it is detrimental to the interest of the public to enable him to fight any enforcement of the contract, as he can easily do when he is certain that no one else will step in and finish his work for the owner. There are unquestionably such agreements in restraint of fair competition and fair work.

F. Recently there has been a new attempt looking to the spread of union control in the building industry, thus far not very successful. It is an attempt on the part of the building-trades unions to force the employment of union workmen for any work that is done in a building *after* the building is completed. While the unions have almost completely controlled the construction work of this city, it was assumed that once a building was completed the owner could thereafter employ anyone he pleased and do anything he pleased thereafter either with his own employees or others. An attempt has been made, some times successfully, within recent years to force such owners and their tenants after occupying their buildings to employ union house carpenters, union machinists, union fitters, etc. In some cases it is even attempted to prevent an owner from employing union workmen even if he is willing to do so unless

he employs them through the associations' contractor. The attempt has been made to enforce this condition through a threatened strike on the part of all union labor *before* the building is completed unless the owner agrees before such completion to unionize his shop or factory after the building is completed. Although this has not been always successful the plan threatens to be very serious if nothing is done to stop it.

To recapitulate: We have tried to indicate briefly the advantages of well-organized unionized building industry and have pointed out some of its disadvantages, particularly when union control is used for such purposes as have been mentioned in Items B, C, D, and E. We believe that a comprehensive scheme of arbitration will be valuable in the building trades, provided that the public has a part in such arbitration, either through the architects or otherwise. We believe that any scheme which recognizes organized labor and organized employers should distinctly provide for the rights of the public. It should also provide for the particular development within the industry of original artistic or specially skillful workmanship. Wherever exceptional qualities appear in any particular field of production no agreement should be permitted which would suppress that original production nor prevent any man from preparing his special product freely and instilling it wherever he can find a demand for it. We believe also that an attempt should be made in the building trades to develop a scheme whereby the differences in skill of the individual worker would be recognized. We believe it essential for the development of the art of building that while there may be a minimum wage established, that that minimum shall be so fixed as to make it possible and proper to recognize exceptional skill. The minimum wage should not be placed so high that the superior workman is kept down because the inferior workman receives more than the work justifies.

One additional point which we regard as very serious is the influence of unions against trade schools. Fear of an overplus of mechanics and a consequent lowering of wages seems to have caused the unions to have assumed a hostile attitude toward trade schools and resulting in an arbitrary interference with the right of a young man to choose his trade or even be permitted to learn any trade.

We are opposed to a system affecting any class of people which may subject our citizens to arbitrary rules which deprive them of their property or other rights without due process of law. We would therefore recommend that the unions be required to incorporate or otherwise to make themselves subject to the regulations of law. Under present conditions agreements or contracts are not always considered binding upon both parties.

Personally, permit me to say in conclusion, I have always believed in unions. Mechanics have the same right to organize that other people possess. They were entitled to a higher wage, and they have achieved it. But I have for years observed with profound regret that labor has been an apt pupil of capital in the unjust exercise of arbitrary powers, and labor's power, exerted as it has been in a leveling process, not only rewarded the incompetent with pay higher than they could earn but paralyzed the ambitions of the skilled. The result tends to destroy moral standards and will be deeply disastrous to our social fabric if not counteracted by some better motive.

I would like to say, Mr. Chairman, if I may, that two members of my organization are present. One Mr. L. C. Holden and one Mr. Julius Frank, both men of long and wide experience in New York City, and if you care to ask them any questions you may bring out the points which you care to.

Mr. THOMPSON. Mr. Waid, taking up the last question in that list of suggestions, first, with reference to the suppression of the ambition of the workers, aren't the wages which are established in the trades in New York the minimum rates? They do not put any limit upon the amount which the employer may pay to a skilled man, do they?

Mr. Waid. Perhaps not in theory, but practically I think they do. A contractor would find himself in trouble. Now, figuring in a general way, I know sometimes they do pay them, and sometimes they do it secretly to avoid trouble with poor help for fear there will be a strike, or if not a strike, such a demand on the part of others for the same wage that it will practically amount to the same thing.

Mr. THOMPSON. We have had some testimony here, Mr. Waid, by union leaders in the building trades of New York City with reference to the speeding up or rushing the workers, and they generally have prefaced that by stating the employer would give 50 or 75 cents a day extra to the workman to act as a leader. Would that come within what you stated, that there is objection generally by the

union to the payment of extra wages, and the minimum becomes, in fact, the maximum?

Mr. WAID. I had in mind myself the fact that the minimum wage is high for many of the individuals. It is too high for the work they are able to do, and it is so high that the contractor feels that he can not go higher than that for the highly qualified man.

Mr. THOMPSON. Then, in your opinion, the fact of the establishment of a minimum wage as established in the building trades in New York prevents the development of the extra ability which the workman may have?

Mr. WAID. Well, I am speaking in a general way. I would not be prepared to argue the matter specifically regarding any particular scale of wages, because I have not made myself familiar with them.

Mr. THOMPSON. What I want to get at is, whether the suppression of the ambition of the workers, whether it is the matter of skill or the quality of the work which it would limit?

Mr. WAID. The skilled man can turn out more work and do a finer quality of work, but has his incentive taken away by the fact the poor man who can do half as much, and that poorly, gets the same wage.

Mr. THOMPSON. In regard to the question, have you ever had the matter come up of the objection by the union to the skillful kind of work that a man has done? Isn't the objection generally rather to the quantity of the work he has done?

Mr. WAID. Yes; that is the chief regulation, not the quality. I am only speaking of the incentive being taken away to quality, but the real regulation, we feel, is the limitation of the amount of work which a tile setter is allowed to do in a day, or a bricklayer is allowed to do in a day.

Mr. THOMPSON. But there isn't any limitation of the ambition of the worker to do a fine piece of work?

Mr. WAID. Not at all.

Mr. THOMPSON. You spoke of instances where the unions have cooperated with the contractor to prevent the substitution of one contractor for another. In what trades does that exist, if you know? What specific instances have you of that?

Mr. WAID. I don't believe I am prepared to give any specific instance of that.

Mr. THOMPSON. Well, do you know whether it exists in the plumbers' trade, or not?

Mr. WAID. Will you repeat that question, please?

(The question was repeated, as follows.)

"You spoke of instances where the unions have cooperated with the contractor to prevent the substitution of one contractor for another. Do you know whether that exists in the plumbers' trade, or not?"

Mr. WAID. No. That result is brought about by the agreements among the employers and, so far as my own experience goes, I have not known of any. I don't know personally of any case where the unions brought about such results.

Mr. THOMPSON. Now, Mr. Waid, when an architect has a proposition placed in his hands by the owner to prepare plans and specifications for that contract, in the contract it is generally provided that the architect shall determine as to the character of the work done, and whether the contract is fulfilled or not, and as to whether the contractor has faithfully performed his contract in other respects. That is generally true, is it, Mr. Waid?

Mr. WAID. Yes.

Mr. THOMPSON. Now, the effect of this inside arrangement, as you stated, between the union and the employers, is to take away from the architect that power of disciplining the contractor, isn't that true?

Mr. WAID. It is, and the fact the contractor can not be disciplined because he knows he can not be displaced.

Mr. THOMPSON. That would be a very positive and definite interference with the power of the architect as the final arbiter of the matter.

Mr. WAID. Because a great deal of the difficulty in getting the work finished on time and all that and the manner in which it is done would depend on that.

Mr. THOMPSON. Now, can your association submit to this association definite instances where that has shown itself—instances that caused you or your association to feel that such agreement should exist between you and the contractors?

Mr. WAID. Well, I would not like to undertake it. I might, if the commission desires, undertake to get such testimony.

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Mr. THOMPSON. Of course you can see, Mr. Waid, can't you, that any such agreement between a union and a group of employers would be a very detrimental proposition, so far as the general public is concerned?

Mr. Waid. Certainly.

Mr. THOMPSON. And if it has come to your attention sufficiently to warrant you in making that statement, or the members of your profession feeling that way about it, there ought to be some definite evidence of where some contractor has been attempted to be replaced by the architect or the owner, and other contractors have refused to do the work.

Mr. Waid. Well, if the commission desires, I will be glad to do anything in that way that I possibly can. The preparing of this information was somewhat affected by the fact that I am under a heavy burden, and am expecting to sail for Europe shortly, and I will do all that I personally can to try to get any information possible that you may desire, and also from other members of our organization.

Mr. THOMPSON. Do you know of any of your associates here that would know of any such instances?

Mr. Waid. I would like to have you give them an opportunity, if you request them; because both of them come into closer touch with the labor conditions.

Mr. THOMPSON. Now, Mr. Waid, you have spoken of jurisdictional fights as being of great hindrance to the public. Do you know anything about the working out of the old arbitration plan as to settling jurisdictional matters?

Mr. Waid. No; I have not had occasion to go into it with any detail at all.

Mr. THOMPSON. But you know of it?

Mr. Waid. Yes, sir.

Mr. THOMPSON. And you know, do you not, that they are trying to use the machinery of the old arbitration plan, without any agreement at all?

Mr. Waid. Yes, sir.

Mr. THOMPSON. You say you have offices in Chicago?

Mr. Waid. Yes, sir.

Mr. THOMPSON. Are jurisdictional matters settled better in New York or in Chicago?

Mr. Waid. I am not prepared to make any comparison. I have not been familiar with Chicago for the last 15 years.

Mr. THOMPSON. What is your consensus of opinion, if you have any, as to whether or not the New York plan has worked and does work to the greater settlement of jurisdictional fights than the plans followed elsewhere?

Mr. Waid. I don't think I am prepared to answer that question.

Mr. THOMPSON. With reference to that same subject, have you given it any attention to see what kind of machinery would be best to settle such fights?

Mr. Waid. No.

Mr. THOMPSON. Do you believe that such questions, as the one to which you have referred between the carpenters and the sheet metal workers, as to the placing of the metal in the building, should be covered for the whole country as well as New York?

Mr. Waid. I should doubt whether a question like that could be settled arbitrarily for the whole country. What might be satisfactory for one territory might be unsatisfactory for another, where conditions are different; and I believe that there ought to be some regulation—just speaking in a general way—through a Government officer consulting or negotiating with the representatives of the unions interested. I do not believe, for instance, as suggested in this memorandum you gave me, that the architect, although he has strong preferences, can always or would wisely, as a matter of general policy, specify just which trade should do a certain piece of work. For example, on a great many of these large buildings, I specify that the steel columns shall be plastered with Portland cement as a matter of protection for the steel from corroding. I would like to see that work done by the plasterers, because I believe from the nature of the work they can do it more economically and it would not be so expensive for the owners. But the bricklayers step in and say that it belongs to them and will not permit the plasterers to do it. That is a case where I think they are wrong, and I think there ought to be some equitable way or arrangement to settle it. And while I think it is wise for me to specify, if I could enforce it, that the plasterers should do it, in that case I might not come in to as close contact with it; and such questions ought to be decided rather as between the unions and the contractors, rather than by the architect.

Mr. THOMPSON. What is the difference between the wages of the two, plasterers and bricklayers?

Mr. WARD. Well, I could not say. I would not attempt to say just in a moment. But if they were the same wages, then I would say it would be more economical for the plasterers to do it, because of the peculiar kind of trowel and their manner of doing this work, and that they would do it better and more rapidly.

Mr. THOMPSON. Mr. Ward, it has been testified here by some of the other witnesses that they think that jurisdictional disputes could be settled only for each locality. Yet in one of the trades where that has been named, Mr. Rice has stated that his union makes a national demand all over country that sheet-metal work installed inside of a building shall be done by the carpenters. Wouldn't that very fact that his trade makes an actual demand, not only here but elsewhere in the country, call for a settlement of such a dispute by a national body, or one having a moral influence all over the country, taking into consideration the conditions elsewhere as well as here?

Mr. WARD. Oh, I think that would be very much better, that there should be some nation-wide authority.

Mr. THOMPSON. Now, it has been stated, however, by some of the witnesses, anyway, that in New York certain kinds of machines are used in work that are not used elsewhere. Wouldn't it be perfectly proper for a national body to take that into consideration and make a differential in New York?

Mr. WARD. I see no objection.

Mr. THOMPSON. Just as in coal mining, where the miners make a differential because of the thickness of the vein.

Mr. WARD. That is an example of what I mean. As I said, conditions vary in different sections, but I think there ought to be some general authority.

Mr. THOMPSON. Have you any instances where work has been parceled out among contractors because of their belonging to the same union? You mention that is one of the causes of your trouble.

Mr. WARD. Yes; I understand there are many cases, but I am not prepared to give specific instances.

Mr. THOMPSON. Do you suppose the members of your profession could give instances of that fact to this commission?

Mr. WARD. Yes; they might be very unwilling to do so.

Mr. THOMPSON. Well, I mean give them confidentially. Will you look into that, Mr. Ward, and see what can be done?

Mr. WARD. Yes.

Mr. THOMPSON. Mr. Ward, you have spoken about the monopoly which exists in the lumber, marble, and tile industries here by reason of agreements with employers. Do you know the reason of such monopolies—that they exist?

Mr. WARD. No.

Mr. THOMPSON. No reason at all?

Mr. WARD. No; except—well, the natural inference.

Mr. THOMPSON. Do you know the reason that moved the workers to make such agreements on the one part and perhaps insist on them in some instances?

Mr. WARD. I assume only that it was self-interest.

Mr. THOMPSON. Well, for instance, take the wood trim; take the evidence as testified to here where nonunion trim is manufactured in some States and shipped in here from mills where women and girls are used in the work and where they have a very low standard of wage for the workmen, such a wage as would not permit a mill worker to keep his family at work in New York City. Have you any opinion as to whether the union would be justified, from the standard of the protection of the workers in this part of the country, in fighting that condition?

Mr. WARD. It would be very natural for them to do so, but it would not justify them in doing so.

Mr. THOMPSON. I am not asking as to the legal question, but ethically.

Mr. WARD. Those wrongs ought to be righted by law and not by the unions of New York.

Mr. THOMPSON. But take, for instance, our system of law in this country, whereby no State can protect itself against commerce of that kind, but where it is bound to permit the free entry into its territory of goods from any other State, no matter what the conditions are. Isn't there, perhaps—or might not there be a moral justification for the union in placing restrictions of that kind,

so as to protect its members against such conditions in other localities or States?

Mr. WAID. I can see why they should attempt it.

Mr. THOMPSON. Even though legally wrong, might they not consider it necessary?

Mr. WAID. I can see why they might seek to protect themselves in such a case.

Mr. THOMPSON. You have spoken about restrictions which the union either openly or passively prescribes for its workers. Have you any instance that those cases in the trades or—

Mr. WAID (interrupting). Well, we often hear of such cases through the workmen, and of course, informally, through my inspectors. I could not state any particular case now from memory.

Mr. THOMPSON. That is a very important matter now, is it not, Mr. Wald?

Mr. WAID. A very serious matter.

Mr. THOMPSON. Now, wouldn't you think your profession, being so closely in contact with that matter and standing as the representatives of the owners and citizens, could produce information that would prevent public opinion showing how it operates—now, this commission has come here to New York for the purpose of making an investigation and getting this information. And now your association, which represents the builders and owners of property, perhaps we may get the same general information we already have, but I wish to say that we would appreciate it if you can present specific cases.

Mr. WAID. I think we can present specific cases.

Mr. THOMPSON. Well, would you see what can be done about that and submit it to the commission?

Mr. WAID. With pleasure.

Mr. THOMPSON. You referred, also, about restrictions about artistic work. What kind of work generally is that, painting, or decorative work, or marble-work, or what?

Mr. WAID. Or, possibly, bronze work, or decorative plaster work, for example. Sometimes decorative work is such as this ceiling work, which might be done in a factory or in a large studio and then shipped to the building ready to erect. And the unions have interfered with the erection of such work, saying the work, according to their rules, must be run in place. In some cases that would be very much more expensive and cause a great deal of hardship. I spoke of that as one specific instance I have known.

Mr. THOMPSON. Well, there must exist many instances of that kind in a large city like New York, and some kind of information could be gathered by your association.

Mr. WAID. I think so.

Mr. THOMPSON. Now, Mr. Wald, I am going to take up the question of graft. I think it is generally understood among people at large that where graft has to be paid, in many instances the owner has to stand the burden. What data have you in regard to that matter, as to whether or not that is borne by the employee, by the labor leaders, or how that is done?

Mr. WAID. I hear of such things through our contractors, but the evidence the architects, I think, could present I know in many a case would not be legal evidence. We hear of many statements which we hear and believe to be perfectly true.

Mr. THOMPSON. They do not come up to the architect through the contractors?

Mr. WAID. To the architects through the contractors; yes, sir. We hear of them, and sometimes through our inspectors, possibly, on the building.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Does the commission desire to ask any questions?

Commissioner GARRETTSON. I have a few questions.

Chairman WALSH. Mr. Garrettson will inquire.

Commissioner GARRETTSON. Mr. Wald, your connection with the building trade is wholly that of overseer? That is, you are not a contractor in any way?

Mr. WAID. Oh, no; interested only in a professional way.

Commissioner GARRETTSON. You appear in the construction, either as representative of the owner of the property or those who furnish the money?

Mr. WAID. Yes, sir.

Commissioner GARRETTSON. In that capacity what has your experience proven to you in the matter of observations of agreement—that is, trade agreements—is the union or its individual members more prone to break the agreement than is the employer?

Mr. WAID. Well, I have no intimate experience that I could testify to in that connection. My impressions come largely from contractors, and I might be considered a little biased for that reason, or might perhaps be.

Mr. THOMPSON. Naturally, you hear more from the contractor than you do from the laborer?

Mr. WAID. Yes, sir.

Commissioner GARRETSON. Because your contact with him is much closer?

Mr. WAID. Yes, sir; much closer.

Commissioner GARRETSON. Well, has your experience with the contractors led you to believe that every statement that the contractor made is absolutely correct?

Mr. WAID. No.

Commissioner GARRETSON. Now, in the matter of influence that is exercised in this matter, of one contractor taking up and carrying forward the contract of another, you made the statement that the power of the architect was almost nullified by the existing condition, because the contractor felt safe in slighting his work, because of the fact that he could not be replaced. Haven't you a powerful weapon in the ability to influence the letting of future contracts to a man who does those things?

Mr. WAID. Oh, yes; there is certainly a moral weapon.

Commissioner GARRETSON. And a financial weapon?

Mr. WAID. Yes.

Commissioner GARRETSON. Because, if he openly fails to perform on account of his fancied immunity, you can reach him in rewarding future bids.

Mr. WAID. The study is so large that the motive is not as strong as it should be.

Commissioner GARRETSON. Well, if your own craft was complete in its organization, it would be as wide as the territory of the contractor. I suppose that would be the natural thing?

Mr. WAID. Our private organization is a professional one, and not unionized, of such as the contractors' association. We do not have any blacklist or credit system or anything of that sort.

Commissioner GARRETSON. Well, it might improve your weapons, at least, if you took up more of their methods.

Mr. WAID. That might be.

Commissioner GARRETSON. Now, you speak of the righting of the conditions referred to in certain mills, and I understood you to say, as an example, that it should be righted by legislation, and not by the union. Do we gather from that that you are in consonance with the opinion of a certain illustrious gentleman who appeared before this commission a few days ago, that the true province of the worker is legislative—that is, Mr. Hillquit?

Mr. WAID. I did not read his testimony, but I think the worker has a right, as much as any other citizen, to influence legislation.

Commissioner GARRETSON. But has he any better right?

Mr. WAID. I don't take it he has any better right to punish the criminal, because that is to be done by due process of law.

Commissioner GARRETSON. But can he not, at the same time, by his practices, rescue the victim of the murderer?

Mr. WAID. Well, he may. That would depend on how that is defined.

Commissioner GARRETSON. Have you any idea what proportion of remedial legislation has been initiated and pressed to adoption by labor unions, both National and State?

Mr. WAID. No doubt it is very large.

Commissioner GARRETSON. Covering child labor, hours that women can labor, the whole safety-appliance system of the railways, sanitation—all of those questions—has not union labor been the originator and the greatest force in compelling the adoption of legislation of that character?

Mr. WAID. I have not looked into the statistics, but I have no doubt that it has been a strong influence.

Commissioner GARRETSON. I think you will find that they have exercised an ideal activity for the betterment of their conditions, as unions.

Mr. WAID. Possibly.

Commissioner GARRETSON. And where it became, from their standpoint, a proper exercise of the function, that they have exercised the legislative power?

Mr. WAID. Yes.

Commissioner GARRETSON. That is all, thank you, Mr. Chairman.

Commissioner BALLARD. Mr. Wald, our counsel asked you if you did not think that the unions in New York have a right to consider the conditions in the factories in other States, and if they found those conditions were insanitary or unwholesome have a right to boycott the material in those factories. I think you replied that you thought the unions would not have a right to do that, but they should do it through legislation and the State itself.

Mr. WARD. I can see that it would be very natural for them to do so if they had it in their power, but it is not the proper thing.

Commissioner BALLARD. Do you think if the unions could regulate the conditions in other States they might also do it in other countries? For instance, the marble industry in France, rugs in Persia, etc. Don't you think the unions in New York would have a pretty big job on their hands before they got through?

Mr. WARD. Rather; yes.

Commissioner BALLARD. You do not think they ought to have that right?

Mr. WARD. I have not any interest in that, nor can I see that they would have any specific motive for doing it.

Commissioner BALLARD. I understood you to say that the unions did not encourage trade schools and vocational education in the schools. Do you find that is true in New York?

Mr. WARD. I am afraid it is true in New York. That is my impression and belief.

Commissioner BALLARD. The commission will investigate that later, and I will not interrogate on that any further now.

Commissioner LENNON. Mr. Wald, let me see if I can get a little further information on this alleged restriction of output.

You have been engaged in the industries a great many years, and, of course, know the men. What is the productivity of the workmen on the building now as compared with when you first started as an architect?

Mr. WARD. Well, stated in percentages?

Commissioner LENNON. Approximately. In some way that we will get an understanding of it.

Mr. WARD. I have not undertaken to investigate that definitely. It is simply more a matter of knowing that men are not permitted to lay as many square feet of tile as they could reasonably do if they would try to put in a full day's work. I might answer your question by giving you one instance which occurs to me that I remember many years ago, at least 25 years ago, seeing brick masons who said they could lay from 2,500—from 2,000 up to 3,000. A man could lay 3,000 if he had a straightway—he could lay 3,000 brick. If you can get the regulation of the union to-day you will find that it is probably not half that. I am not sure that they have a printed regulation, but I am sure from information that I have that they limit the number.

Commissioner LENNON. Do you believe the Woolworth Building over here could have been put up 25 years ago in the same length of time, with the same number of people that put it up when it was erected?

Mr. WARD. That might not be true and it might be true. It is hardly a fair comparison, because methods have changed in many ways; machinery and facilities of many sorts have changed.

Commissioner LENNON. I don't know as to all trades—that no man can know—but I know as to my own. Can there be any restriction of output in which the contractors are not also a party to a greater or less extent?

Mr. WARD. Why, yes. It seems to me the unions can make rules without consulting the contractors at all, and the contractors are powerless to force a man to do more in a day than the unions permit him to do.

Commissioner LENNON. In the case you have heard of you think it is purely a matter of the union and not with the cooperation of the contractors?

Mr. WARD. Yes, sir.

Commissioner LENNON. Mr. Ballard started to ask you something about trade schools. That is a subject that is dear to my heart. Do I understand that you believe the trades unions of New York City are opposed to vocational education and industrial training?

Mr. WARD. I am not prepared to be cross-questioned on that statement, because I have not the intimate knowledge or expert knowledge on that particular subject that this commission will want. It is only an impression that the architects have, and I believe it is general, that we have not as good facilities as I would like to see in the way of trade schools, and that the unions have discouraged them. That is the general statement. I don't know whether

their attitude is different now from what I have supposed it to be, or what it has been in the past.

Commissioner LENNON. Have you ever heard of the Society for the Promotion of Industrial and Vocational Education, the national society?

Mr. WAID. Yes, sir.

Commissioner LENNON. Do you know whether there is such a society in existence?

Mr. WAID. I have heard of it, I believe.

Commissioner LENNON. Are you aware of the fact that some of the most active spirits in that society are trade-unionists?

Mr. WAID. As I say, I have not given any—

Commissioner LENNON (interrupting). Well, I am asking these questions because I want to call your attention to a little wider investigation of the subject. Are you aware of the fact that the typographical union has a trade school?

Mr. WAID. I have no doubt that they have, but I have not had occasion to become specially interested in it.

Commissioner HARRIMAN. Mr. Waid, I would like to know from your point of view what is the chief weakness, if there is any, in trades-unionism from the point of view of the architect.

Mr. WAID. It has always seemed to me that the chief difficulty, the chief injustice, arises out of forcing a man into the union in order to get a job and of fixing a level of the wages so that the unskilled and the skilled man in one trade gets the same, and yet I have been looking at it from the union man's point of view and I don't quite see how he is going to avoid it. He has gone into the thing, got into that difficulty, into that injustice, and I sympathize with his point of view very strongly, but I still hope that some way can be seen out of that situation, which certainly works a gross injustice.

Commissioner HARRIMAN. Is there any other?

Mr. WAID. Well, the limitation of the amount of work to be done in a day, instead of leaving that to the ambition of the workmen, is another very serious matter that I mentioned. That comes with the points that are uppermost in my mind in connection with unions.

Commissioner O'CONNELL. From the statement you read it impressed me with the idea that you believe the general proposition, the best services are secured on dealings with the union because it had within it the best class of workmen and skill?

Mr. WAID. Yes.

Commissioner O'CONNELL. As a general proposition, you would be in favor of dealing with unions because of that particularly?

Mr. WAID. Yes.

Mr. THOMPSON. But you have a sort of a hesitancy that there is a restriction of the possibilities of bringing a higher skill or greater art out of the mechanic from some inherent source?

Mr. WAID. Yes. There are often men in artistic trades who for their own reasons choose not to belong to a union. They may not be in sympathy with it. They are discriminated against.

Commissioner O'CONNELL. Has the architect worked out any way approximately showing the number of days and weeks and months in a year the men in the building trades are employed?

Mr. WAID. Here in New York?

Commissioner O'CONNELL. For instance—

Mr. THOMPSON. Yes; or any place else, the average as to the continuation of work. For instance, taking out the lost time a man may have moving from job to job and bad weather would stop work in certain periods of the year, and other conditions.

Mr. WAID. We take that into consideration in allowing the time to construct a building.

Commissioner O'CONNELL. Well, do you believe the average work of building tradesmen would be certainly 10 months in the 12, or a year?

Mr. WAID. Well, I could not say as to what the average is. I suppose it is a matter of statistics that I have not at hand as to how much time each man misses. It varies a little, of course, but you refer to New York City.

Mr. THOMPSON. Do you suppose the incentive of steady employment on the part of the workman would invite his better effort toward his employer in production?

Mr. WAID. Yes.

Commissioner O'CONNELL. The fact that he felt he was going to be steadily employed if he gave better results to his employer, isn't that a stimulant to urge him on to greater production?

Mr. WAID. That is the one good of it as it stands now to me that the man who has the incentive to excel that he will keep his job when business is slack.

Commissioner O'CONNELL. The employer who makes a better situation for him, better treatment as to everything that goes to make his job more agreeable, will invite for himself the best workmen and secure for himself the best results?

Mr. WAID. Yes. In many cases they will carry him over when there is practically nothing to do, and keep him on salary. But those are exceptional cases, and among others, I think, that incentive is almost lost sight of.

Commissioner O'CONNELL. These charges of combination between the workmen to prevent the coming into the city of certain manufactured materials, the combination between the men and boss to prevent certain competition on both sides. Is there not a competition of that same character in your profession? I mean with the architects coming into New York City?

Mr. WAID. No; not that I am aware of.

Commissioner O'CONNELL. Haven't you any hesitancy or jealousy toward the outsider coming into New York?

Mr. WAID. There is something of that sort in Canada, but not in the United States.

Commissioner O'CONNELL. In Canada; it has not reached here yet?

Mr. WAID. No.

TESTIMONY OF MR. W. A. ROWAN.

Mr. THOMPSON. Will you give us your name, address, and position, please?

Mr. ROWAN. W. A. Rowan, 30 Church Street, New York City; contractor.

Mr. THOMPSON. Are you in business for yourself or with a firm?

Mr. ROWAN. With the firm of James Starrett & Co.

Mr. THOMPSON. They are building contractors?

Mr. ROWAN. Yes, sir.

Mr. THOMPSON. Is their work mostly in New York or do they do work everywhere?

Mr. ROWAN. Throughout the United States and Canada.

Mr. THOMPSON. Where is the principal work that they do? Located here, or generally around the country?

Mr. ROWAN. Generally throughout the country.

Mr. THOMPSON. What I am asking is, Mr. Rowan, do you do a great deal of work in New York City or not?

Mr. ROWAN. Very little.

Mr. THOMPSON. Have you had anything to do with jurisdictional fights?

Mr. ROWAN. I have.

Mr. THOMPSON. Personally, where have you had trouble in that respect?

Mr. ROWAN. Well, I don't know that it is confined to any one locality; it is generally.

Mr. THOMPSON. Have you had any knowledge or made a study of the methods of settling jurisdictional fights that were inaugurated in this city about 10 years ago by the employers' association, called "The New York arbitration plan?"

Mr. ROWAN. I don't know anything about it.

Mr. THOMPSON. You don't know anything about it?

Mr. ROWAN. No.

Mr. THOMPSON. Do you know the method which is now used in New York City with reference to the settlement of jurisdictional disputes?

Mr. ROWAN. No; I am not familiar with it.

Mr. THOMPSON. As I understand you to say, Mr. Rowan, in New York City, where a jurisdictional dispute arises now, that committee of the employers' association takes that matter up and relies on the respective unions to meet with their committees and tries to settle the matter, and then they suggest, if they can not settle it by conference, the matter go to a specific arbitration either with an equal number or with an umpire, preferably with an umpire; that in case that can not be done, or it is refused by the unions, then they would say to the union they will decline a lockout in those respective trades so far as they work for members of their association. That we understand to be the present situation in New York City, and I was advised that you were aware of that matter and had made some study and had some comments on it?

Mr. ROWAN. No, I made no—we are not members of the Building Trades Employers' Association, so I have no personal knowledge.

Mr. THOMPSON. Well, have you made any study of it so as to have any opinion as to whether or not it is a good method of settling jurisdictional disputes or not?

Mr. ROWAN. I don't think that it is.

Mr. THOMPSON. You don't think it is?

Mr. ROWAN. No. It merely disposes of it, if it disposes of it at all, for the immediate locality.

Mr. THOMPSON. Then you believe that there should be some body to dispose of it, not only for the locality but for the country, so far as can be?

Mr. ROWAN. Yes, sir.

Mr. THOMPSON. Some objection to that method of settling such disputes has been raised here by witnesses. They said, for instance, that in New York City some machines or implements are used in the construction of buildings and the preparation of materials which are not used elsewhere. They are used here because of the greater quantity of work that is done here. Don't you believe that a national body could make a differential or allowance in such specific instances?

Mr. ROWAN. Yes, sir.

Mr. THOMPSON. Do you think that the fact of the use of that proceeding would mitigate against the decision of disputes by a national body?

Mr. ROWAN. I don't see why it should, not if it is treated on its own basis. It only exists here. It would not conflict with anything anywhere else.

Mr. THOMPSON. The fact the large unions, like the carpenters' union, and the national union, have objection to doing the work for the metal trades building, wouldn't that be within that proposition?

Mr. ROWAN. That is national, perhaps.

Mr. THOMPSON. Have you studied the method of settling these disputes by the American Federation of Labor in the building trades department?

Mr. ROWAN. Came in contact with it; yes, sir.

Mr. THOMPSON. Do you think that method a good way of settling those disputes?

Mr. ROWAN. It would be were all trades affiliated with the American Federation of Labor and they had some means of enforcing their decisions.

Mr. THOMPSON. Well, are the employers consulted, or do they have any power of decision over jurisdictional matters by the building trades department of the American Federation of Labor?

Mr. ROWAN. As a general proposition I don't think that they are consulted.

Mr. THOMPSON. Then if they are consulted, have they any voice in the final decision?

Mr. ROWAN. No; no more than influence.

Mr. THOMPSON. How do you think a commission could be formed to pass on these matters for the country?

Mr. ROWAN. How it should be formed?

Mr. THOMPSON. Yes.

Mr. ROWAN. You mean how it should be created?

Mr. THOMPSON. No; not how it should be created, but what should be its constituent elements with reference to employees or employers or the public?

Mr. ROWAN. Well, it should be a commission composed of representatives of the employees, of the employers, and of what we term the owners; that is, the three parties at interest in the building proposition.

Mr. THOMPSON. Well, would your idea be to have a changing commission all the time, or a fairly permanent body?

Mr. ROWAN. Why, a fairly permanent body. That is to say, not subject to short terms of service.

Mr. THOMPSON. Then your owner would naturally have to be, in that case, a member of the general public?

Mr. ROWAN. Yes. It should be men who are not directly interested in the result of their decisions.

Mr. THOMPSON. Do you think it would add any weight to such a commission if it were formed at the instance of, say, the National Government?

Mr. ROWAN. I do.

Mr. THOMPSON. There is no way of enforcing the decisions in labor disputes except by moral suasion, is there?

Mr. ROWAN. No.

Mr. THOMPSON. You can not kill twenty or fifty thousand men because they did not happen to work in a certain way, do you think?

Mr. ROWAN. No, sir.

Mr. THOMPSON. Then, do you think there is any other way or any way other than that named which would have more moral influence than the institution of such a commission at the request or at the command of the National Government?

Mr. ROWAN. Not unless the labor organizations were consolidated into one organization and settled their troubles inside of their organization.

Mr. THOMPSON. Well, a suggestion of that method of the carrying out of that idea wherever it is possible could generally be done by this national commission, could it not?

Mr. ROWAN. Yes, sir.

Mr. THOMPSON. I mean, it would not necessarily have to assume all the work itself, would it?

Mr. ROWAN. No.

Mr. THOMPSON. Have you made any study of the possible settlement of jurisdictional disputes by the amalgamation of unions into basic industries?

Mr. ROWAN. Well, the amalgamation of the unions, of course, would eliminate a great many jurisdictional disputes.

Mr. THOMPSON. How could that be done, taking your present building industry as it is at present constituted? What specific amalgamation have you in mind that might accomplish the eradication of jurisdictional disputes?

Mr. ROWAN. Well, one method would be the dissolving of the different unions into what is called the basic trades or original trades.

Mr. THOMPSON. For instance, what are the basic trades?

Mr. ROWAN. For instance, on masonry all classes of unions that handle that class of material. For instance, brickwork, stonework, granite work, marble-work, concrete work, etc.

Mr. THOMPSON. Tile laying?

Mr. ROWAN. Yes, sir.

Mr. THOMPSON. Practically any trade that would use stone or cement?

Mr. ROWAN. Yes, sir.

Mr. THOMPSON. What other basic trades are there?

Mr. ROWAN. Well, steel, carpenter, and plumber, and steam fitter, or electricians.

Mr. THOMPSON. For instance, what I would like is the amalgamation just as you gave it as to the stone trades. What unions, say, like plumbers and steam fitters, could be amalgamated to become a basic trade-union? What would the plumbers' basic trade be and what other present trade would it include?

Mr. ROWAN. Well, as to that I don't know outside of the three trades—the plumbers, steam fitters, and electricians.

Mr. THOMPSON. You think those three could be amalgamated, could they?

Mr. ROWAN. Yes, sir.

Mr. THOMPSON. And what other basic amalgamations could be made, if you know, in the building industries?

Mr. ROWAN. The structural steelworker, the ornamental ironworker, and sheet-metal worker.

Mr. THOMPSON. You might follow that along with the others.

Mr. ROWAN. I haven't them all in mind.

Mr. THOMPSON. Have you had any experience, Mr. Rowan, with contractors' associations?

Mr. ROWAN. Very little.

Mr. THOMPSON. Have you any views with reference to their effect in building matters, particularly with reference to industrial questions—labor questions?

Mr. ROWAN. Well, we don't belong to the contractors' associations for the reason that they are purely local in character, and it would involve us in places other than a place where there might be a dispute that would be settled by local conference. For that reason I know very little of their practices.

Mr. THOMPSON. Why doesn't your firm do much work in New York?

Mr. ROWAN. Well, competition, I suppose.

Mr. THOMPSON. Any other reason?

Mr. ROWAN. No; I don't know of any.

Mr. THOMPSON. It has been stated here, Mr. Rowan, before this commission at this time, and also before the commission in Washington when they took up the question of collective bargaining, that to get the best results in labor mat-

ters there should be a very strong organization of employers and a very strong organization of workmen.

Mr. ROWAN. And a very strong fight.

Mr. THOMPSON. Well, we had it up yesterday and it was suggested that each would be in fear of starting a fight.

Mr. ROWAN. No.

Mr. THOMPSON. You don't believe in that?

Mr. ROWAN. No.

Mr. THOMPSON. Why don't you believe in it?

Mr. ROWAN. Well, take, for instance, the present trouble, the jurisdictional disputes, as one illustration.

Mr. THOMPSON. Well, how would the trouble over jurisdictional disputes affect that question, in your opinion?

Mr. ROWAN. Well, I assume if one organization took one point of view and the other organization took the other you would have a deadlock and you would have no controlling power.

Mr. THOMPSON. Well, the chances are that where you get a strong organization on both sides, and they fear each other, that they would come to some agreement; and I understand that is the reason why the people support that view. If that would occur—that strong organization on both sides—and would lead to agreement by which the source of dispute would be settled, then it would be a good thing, wouldn't it?

Mr. ROWAN. If it were made national it would be better than what we have.

Mr. THOMPSON. Even locally it would be good if it would effect that result, wouldn't it?

Mr. ROWAN. It would for the local people.

Commissioner BALLARD. I gathered from what you said that you are not members of the employers' association of New York City?

Mr. ROWAN. We are not.

Commissioner BALLARD. You were just saying, speaking about the association of employers on one hand and the association of unions on the other, perhaps not being the best conditions, would not make the best condition. What would you consider better?

Mr. ROWAN. The board of control that I referred to awhile ago.

Commissioner BALLARD. Do you feel that if the unions are organized the employers should also be organized?

Mr. ROWAN. Well, I don't know.

Commissioner BALLARD. You don't think it is necessary?

Mr. ROWAN. I don't think so.

Commissioner BALLARD. You don't think, then, that the unorganized employers, where a jurisdictional dispute would occur between two unions working for him—how is he going to protect himself at all if they could deadlock him for an indefinite time?

Mr. ROWAN. Of course, it is possible that happens for a period.

Commissioner BALLARD. Well, wouldn't he be better protected if he were a member of the employers' association, so that the unions would not stand for that?

Mr. ROWAN. If it were a national association, so that the decision would bind all over the country; but if it were a local association, so it would only bind in that particular locality, he might be in more trouble, coming in contact with other conditions.

Commissioner O'CONNELL. To follow up that thought, it ought to be of a national character, so it would apply all over the country?

Mr. ROWAN. Yes, sir.

Commissioner O'CONNELL. Do you think the workmen themselves ought to decide their own jurisdictional questions, since they are the ones directly interested?

Mr. ROWAN. To a large extent I think that the question as between two trades ought only to be determined by those who are skilled in the trades involved.

Commissioner O'CONNELL. The American Federation of Labor, the recognized organization in the country, a decision of that body on the adjustment of a trade dispute—jurisdictional dispute—would be acceptable to the building employers?

Mr. ROWAN. Acceptable to us.

(Witness excused.)

TESTIMONY OF MR. C. G. NORMAN.

Mr. THOMPSON. Will you please give us your name, address, and business?

Mr. NORMAN. Christian G. Norman, Winfield Junction, Long Island.

Mr. THOMPSON. Your business, please?

Mr. NORMAN. Manufacturer of fireproof doors and windows.

Mr. THOMPSON. Are you a member of the association of manufacturers of metal-covered doors and windows?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Have you any office in that association?

Mr. NORMAN. Not at present.

Mr. THOMPSON. Have you had?

Mr. NORMAN. Yes; I have been president.

Mr. THOMPSON. For how long a time were you president?

Mr. NORMAN. About three years.

Mr. THOMPSON. When did your term expire?

Mr. NORMAN. About seven years ago.

Mr. THOMPSON. Seven years ago?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. How long have you been a member of that association?

Mr. NORMAN. Since its inception, about 1903.

Mr. THOMPSON. Have you held any other position outside of president?

Mr. NORMAN. I have in the greater association of the Builders Trades Employers' Association, but not in the association of manufacturers of metal-covered windows and doors.

Mr. THOMPSON. What office did you hold in the larger association?

Mr. NORMAN. Chairman of the board of governors.

Mr. THOMPSON. You hold that now?

Mr. NORMAN. No, sir. I was chairman from April, 1910, to April, 1912, two years.

Mr. THOMPSON. How long have you been a member of that association?

Mr. NORMAN. Since 1903, when it was formed.

Mr. THOMPSON. You did not hear the testimony of Mr. Eidlitz yesterday, did you?

Mr. NORMAN. No, sir.

Mr. THOMPSON. Do you know of his views?

Mr. NORMAN. Very well.

Mr. THOMPSON. Are you and he in accord as to conditions?

Mr. NORMAN. On these subjects?

Mr. THOMPSON. I mean opposed to the old arbitration plan?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. And as to the present method of handling disputes in this city, then it is not necessary to go over the same ground with you?

Mr. NORMAN. No, sir.

Mr. THOMPSON. Have you made any study, or are you acquainted with the cost, if there has been any to the public, say, in the city of New York, take the public and the owners of buildings, caused by jurisdictional disputes?

Mr. NORMAN. Since 1903 they have been very slight. Prior to that time they were very expensive.

Mr. THOMPSON. Has the reason of their having been very slight been caused by the arbitration plan which was then inaugurated?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. In your opinion, it has worked out to the great lessening of jurisdictional trouble so far as the owner is concerned?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. In your opinion, that has worked out to the great advantage of your organization?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. So far as the order is concerned?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. And by settling disputes without strikes and lockouts. In regard to the dispute that was settled by this method in New York between the carpenters and the sheet-metal workers in reference to inside trim, I understand there is a decision on that question by Judge Gaynor, in which the carpenters were awarded the work?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. What is your opinion in reference to the relative efficiency of carpenters and sheet-metal workers who are performing the work?

Mr. NORMAN. First, I would like to explain to you how that decision was arrived at. That decision is not what we would term a final arbitration. The arbitration plan provided that where two unions contested for a certain piece of work the executive committee should determine if one or the other of the unions was in possession. If the executive committee found that they were not in possession, either one union or the other, they should send it to a board of arbitration with an umpire to determine who should determine who was entitled to the work. The executive committee in this case failed to agree, and the plan also provided that where they did fail to agree they should select an umpire. In that case Judge Gaynor was selected as the umpire.

Mr. THOMPSON. In accordance with the plan?

Mr. NORMAN. In accordance with the plan, because the executive committee failed to agree. The papers in the case—there were many motions and witnesses testified—one motion being that the work was in possession of the metal workers, and that the work was in possession of the carpenters' side. The matter was sent to Judge Gaynor, but there was a slip. We learned of it afterwards, that a representative of the carpenters and also a representative of the sheet-metal workers appeared before Judge Gaynor and requested him to settle this question once and for all as to who was to do the work. That was not in accordance with our plans and was not the question that was submitted to the judge, but nevertheless he wrote his decision. At that particular time the carpenters had been suspended by the arbitration plan because of their action on the Alvin Court job and some other jobs in the upper section of the city. The sheet-metal workers appealed and their appeal was laid over until the carpenters were released. The carpenters' application to be released in the plan was in, and 30 days thereafter the plan ceased to exist. After the plan ceased to exist the employers' association took the position, so as not to cause chaos in the city, to see that all decisions rendered during the time of the plan should be maintained until revised by competent body of the employers and employees. Therefore the carpenters began this work.

Mr. THOMPSON. It is your contention, then, that the only thing submitted to Judge Gaynor was which union was in possession of the work?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. And that he undertook to decide, however, which union—

Mr. NORMAN. Should perform the work.

Mr. THOMPSON (continuing). Should perform the work?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Was best fitted for the work?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Taking his decision as actually made, in your opinion, which organization was best fitted to do the work?

Mr. NORMAN. I believe the carpenters were best fitted to perform the work.

Mr. THOMPSON. Then you agree with Judge Gaynor's decision?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. And the sheet-metal manufacturers?

Mr. NORMAN. The trim manufacturers.

Mr. THOMPSON. Is your opinion in that regard generally concurred in by the manufacturers?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Then there is an agreement, you might say, an opinion at least between the manufacturers' association and the carpenters in reference to who should do that work?

Mr. NORMAN. There is no agreement, but there is an opinion.

Mr. THOMPSON. I mean it is the consensus of opinion?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. In case that that work had been given to the sheet-metal workers to do, would it throw members of the carpenters craft out of employment?

Mr. NORMAN. Not many.

Mr. THOMPSON. Would it have thrown them out if that work was—

Mr. NORMAN. No, sir; they could have gone to other carpenters' work.

Mr. THOMPSON. I understand.

Mr. NORMAN. Temporarily they might have been out of work; yes, sir.

Mr. THOMPSON. Because they would—the wooden trim would have been set by the sheet-metal workers?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. And this metal trim replaced the wooden trim?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. What class of mechanics did your company employ in the manufacture and preparation of metal trim?

Mr. NORMAN. Carpenters and sheet-metal workers and painters.

Mr. THOMPSON. What proportion about of each?

Mr. NORMAN. About 10 carpenters to 1 sheet-metal worker, and 1 painter to 25 carpenters.

Mr. THOMPSON. I mean, take, for instance, the factory end of it first.

Mr. NORMAN. That is the factory end I am speaking of.

Mr. THOMPSON. The work is all set up by carpenters?

Mr. NORMAN. All set up by carpenters.

Mr. THOMPSON. Is there a difference in the wages per day paid to sheet-metal workers and carpenters?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. What are the wages?

Mr. NORMAN. For a carpenter in Manhattan, they receive \$4 a day for shop work; sheet-metal workers \$5. Outlying districts, carpenters, \$3.78; sheet-metal workers, \$5 a day.

Mr. THOMPSON. Would the less price paid to carpenters in wages be an influencing factor in your arriving at your opinion that carpenters were best fitted to do that work?

Mr. NORMAN. No, sir; because in erecting the work they both receive the same wage.

Mr. THOMPSON. I mean the preparation of the work?

Mr. NORMAN. The preparation of the work was not involved in the case.

Mr. THOMPSON. It was not?

Mr. NORMAN. No, sir. Only the erection.

Mr. THOMPSON. In reference, Mr. Norman, to the settlement of jurisdictional disputes, you have heard what has been testified to here this morning, haven't you?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. In reference to that matter?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Do you believe that a national body could settle a jurisdictional dispute or all jurisdictional disputes better than a local union?

Mr. NORMAN. No, sir.

Mr. THOMPSON. What are your reasons for your opinion?

Mr. NORMAN. Every local in every city of any size has particular conditions. The employers start out with a certain basic proposition for the manufacture and erection of their work. They do not agree over the country—and what is done in New York City would not fit in San Francisco or in Chicago.

In New York, at the inception of the proposition prior to 1903, jurisdictional decisions were fought for and won by strike, and a certain line was established, a certain jurisdictional claim over certain materials. In 1903, in the formation of the plan it was not the purpose of trades employers' associations to take away from any organization what it has won up to that time, but we wanted to govern the conditions in the future along with the labor organizations. So we accepted those decisions when the labor men would come before the committee and tell us very plainly what the price was, what was paid for it. Also, we knew where there were strikes that lasted for weeks between the labor organizations without any—well, the employer or the owner was never consulted; he was no part of it at all. He merely has to stand still and wait until they get through, and it was a question of seeing who could get the most strength on each side. We accepted them and went along, and from that point handled every jurisdictional question that came up. I don't claim there was exact justice done; perhaps that point never will be reached, but the majority were satisfied that it was the best that could be done under the circumstances.

To get the work and stretch it over the whole country, the conditions in New York are one thing, and we might go to a smaller town in the West where there were not any mechanics of a particular craft. For instance, you take in our going over the country you will find that a bricklayer is a plasterer; you will find that the iron man is a metal lather, and so on, through all of the craft; you will find that the men take up more than one specific branch, the same as they do in New York. That is one reason why the mechanic in New York is more speedy in doing his work than the man is outside of New York, because

he follows one particular thing; he is like a piece of machinery, always doing one thing. I do not believe that any decision you make covering the country would be of any use whatsoever.

Mr. THOMPSON. You have heard what the last witness said, at least Mr. Rice?

Mr. NORMAN. Mr. who?

Mr. THOMPSON. Mr. Rice.

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Don't you believe that an actual body dealing with these conditions all over the country could properly handle these jurisdictional disputes?

Mr. NORMAN. That could be done to a certain extent, but not the whole situation.

Mr. THOMPSON. Are you acquainted with the methods of arriving at mining wages in the bituminous coal fields?

Mr. NORMAN. That is a different proposition.

Mr. THOMPSON. There are cases there where there are more than 100 differentials?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Even in one State?

Mr. NORMAN. Yes, sir; but in a building we have a different condition that you have in a mine or in any other one specific proposition. In a building you are bringing forty-odd trades together to put that building up, and each one has to fit into with the other. Now, you might reduce the number of unions. I don't think it would do very much good.

Mr. THOMPSON. That is referring to the basis—amalgamation of the basic trades?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Why would not that do good?

Mr. NORMAN. The more unions you have the more chances you have for leaders.

Mr. THOMPSON. What value is there to that?

Mr. NORMAN. You know, once they become leaders, they have to remain leaders, whether they are reelected or not.

Mr. THOMPSON. Is that the only reason that you have?

Mr. NORMAN. No. The specializing of it is really what it means—means more efficiency from the workmen themselves.

Mr. THOMPSON. What is there in the amalgamation to prevent specializing? Take the needle trade in New York City; it is done here in New York City.

Mr. NORMAN. There we have a case of set-up machinery and see how many you can kick out in a day—how fast the mechanic can make the machine run.

Mr. THOMPSON. Each local is a local of a particular kind of trade?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. A cutter is a cutter and he belongs to a cutters' local, and he can not sew and he can not run a machine?

Mr. NORMAN. No, sir.

Mr. THOMPSON. A machine man can not cut, nor can the cutter sew?

Mr. NORMAN. No, sir.

Mr. THOMPSON. And that is ramified into many other departments, for which they have separate locals?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Yet the garment workers are amalgamated into one trade, and do settle any disputes, as I understand it?

Mr. NORMAN. Don't we have the same thing with their district councils and from that into the other council that represents the A. F. of L., and the building trades council of the A. F. of L., and the A. F. of L. itself. I think you are getting them all together.

Mr. THOMPSON. From there into the national union, where they meet together in the same convention?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. After all, the international has much greater force?

Mr. NORMAN. Well, you might take your tile, mosaic, and marble, and say they all belong to one organization. In a great many cases they have the one employer, still you would lose those leaders, and you would have to take care of them.

Mr. THOMPSON. Assuming for a moment—forget about the leaders—assume that you haven't got them.

Mr. NORMAN. You will never be without them.

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Mr. THOMPSON. Don't take that into consideration for a moment. Then there could be an amalgamation?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. Then it would be a good thing?

Mr. NORMAN. I believe it would.

Mr. THOMPSON. It would help out the jurisdictional disputes?

Mr. NORMAN. Yes, sir.

Mr. THOMPSON. That is all I have, Mr. Chairman.

Chairman WALSH. Are there any questions?

Commissioner GARRETSO. There is just one question, Mr. Chairman.

Do leaders in other businesses suffer from the same weakness?

Mr. NORMAN. Somewhat.

Commissioner GARRETSO. That is all.

Chairman WALSH. Mrs. HARRIMAN, do you want to ask any questions?

Commissioner HARRIMAN. No, thank you.

Chairman WALSH. Thank you very much, Mr. Norman.

Call your next witness, Mr. Thompson.

Mr. THOMPSON. Is Mr. Kelso here?

TESTIMONY OF MR. ALEXANDER KELSO.

Mr. THOMPSON. What is your name and residence, please?

Mr. KELSO. Alexander Kelso, 1989 Prospect Avenue.

Mr. THOMPSON. What is your business, Mr. Kelso?

Mr. KELSO. Carpenter.

Mr. THOMPSON. Are you working at the trade?

Mr. KELSO. At the present time.

Mr. THOMPSON. You are a member of the union?

Mr. KELSO. Yes, sir.

Mr. THOMPSON. How long have you been a member of the union?

Mr. KELSO. Twenty-three years—twenty-three or twenty-four years.

Mr. THOMPSON. Have you ever held an official position there?

Mr. KELSO. I have been business agent for six years.

Mr. THOMPSON. When?

Mr. KELSO. 1907 to August, 1913.

Mr. THOMPSON. You are well acquainted with the jurisdictional disputes between the carpenters and the sheet-metal workers?

Mr. KELSO. Yes, sir.

Mr. THOMPSON. Upon what basis do the carpenters claim the right to the erection of metal trim?

Mr. KELSO. In the evolution of the sheet-metal workers taking the place of wood, the same methods employed in the construction of the wood is applied to the construction of the metal. Putting on trim and the like. A carpenter can readily adapt himself to the method, such as trimming this door or this wall; a carpenter can put it up with metal readily. The skill required is for hanging a door, for instance, and that can be done by the carpenter; the carpenter can hang the metal door. Also in the erection of the trim.

Mr. THOMPSON. Do they need to use different tools?

Mr. KELSO. The carpenter uses the same tools he does in the erection of wood. In the cutting of the metal inside of the folding—the saw to cut wood he can file to cut the metal. He does not give it such a rake.

Mr. THOMPSON. Mr. Norman has stated here that in case that work had been granted to the sheet-metal workers it would have displaced a number of carpenters.

Mr. KELSO. It would have put a great many of our membership out of work.

Mr. THOMPSON. They say it is taking the placing of metal trim out of the hands of the carpenters.

Mr. KELSO. It would put a lot of carpenters out of work.

Mr. THOMPSON. It would put a lot of carpenters out of work who had theretofore been putting up wooden trim inside of buildings?

Mr. KELSO. Large buildings now in the course of construction are all sheet-metal trim. The Consolidated Gas Building, the Woolworth Building, it is all metal trim throughout. A metal trim around the door and metal picture moldings; in fact, it is all out of business.

Mr. THOMPSON. Have the sheet-metal workers done any of that work?

Mr. KELSO. Very little of it when you take into account the amount of introduction of material in the city.

Mr. THOMPSON. What are the reasons, if you know, that influenced Judge Gaynor in making a decision in favor of the carpenters?

Mr. KELSO. The judge gave an exhaustive hearing to the subject matter, and full consideration to both sides, and I believe he gave his decision on the merits of the question.

Mr. THOMPSON. There has been a contrary position taken by the sheet-metal workers' convention.

Mr. KELSO. Giving the jurisdiction of that work to the sheet-metal workers.

Mr. THOMPSON. What were the reasons for that decision?

Mr. KELSO. I can not tell.

Mr. THOMPSON. You don't know?

Mr. KELSO. No.

Mr. THOMPSON. Were you there at the time of the convention?

Mr. KELSO. I was not there at the time of the convention.

Mr. THOMPSON. What reasons, generally, are put forward by the carpenters for the right to do that work?

Mr. KELSO. I will explain that it is the adaptability of the mechanic, of the carpenter, to put this material up and to conform it with the wood. He can readily adapt himself to the metal, and he cuts the molding in a miter box the same as he does the wood, and the same methods are employed in making that joint in the metal as in the wood.

Mr. THOMPSON. What reasons, if any, are put forward by the sheet-metal workers for their right to do that work?

Mr. KELSO. Because it is a metal.

Mr. THOMPSON. Is that the reason?

Mr. KELSO. Only reason I know.

Mr. THOMPSON. Only reason you have heard of?

Mr. KELSO. Only reason I have heard of.

Mr. THOMPSON. What proportion, if you know, of the carpenters in New York City are employed in putting up inside trim?

Mr. KELSO. You mean in sheet metal?

Mr. THOMPSON. Yes.

Mr. KELSO. I would say there would be 50 per cent of our membership.

Mr. THOMPSON. Fifty per cent.

Mr. KELSO. Yes, sir.

Mr. THOMPSON. What is the membership of your organization?

Mr. KELSO. In the greater city—in the five boroughs—the membership is 15,000. In Manhattan we may come down—well, to five or six thousand.

Mr. THOMPSON. What are the hours and wages of the carpenters in this city, if you know?

Mr. KELSO. The hours are eight hours a day and four hours on Saturday, making a total of 44 hours per week. The wages are 62½ cents an hour, making \$5 a day and \$25.00 on Saturday, or \$27.50 per week.

Mr. THOMPSON. What proportion of the carpenters, if you know, in New York City are organized and what proportion unorganized?

Mr. KELSO. I would consider the craft pretty well organized. There are a few men that are not organized. We are rapidly organizing the city, but there is an influx of immigrant carpenters, so that we have got always to start over and organize them, so that we have got a continual unorganized force in our midst that we rapidly take into our organization and make union men.

Mr. THOMPSON. That is more particularly true, is it not, here than other places?

Mr. KELSO. This city especially; it is the greatest seaport.

Mr. THOMPSON. What is the regularity of the employment of carpenters? About how much work per normal year will they average?

Mr. KELSO. In a normal year, I should say 10 months; last year, more. This year, from last fall up to the present time, we have had more idle carpenters than in the normal year, owing to the slackness of building.

Mr. THOMPSON. During the normal busy season is the membership pretty well employed?

Mr. KELSO. Pretty well employed. Just at this time we ought to have no idle members. The slack season is probably around January and February.

Mr. THOMPSON. Have you any carpenters idle now?

Mr. KELSO. We have now quite a few carpenters idle.

Mr. THOMPSON. What are the benefits which your union provides for its members in regard to sickness and accident and death and being out of work?

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Mr. KELSO. The carpenters' union formerly was two bodies—the United Brotherhood and the Amalgamated Carpenters. At the beginning of this year, through a plan adopted by both organizations, we became one, or solidified. Now, in the Amalgamated he carries quite a great number of benefits not carried in the United Brotherhood, but in that plan—it is all known as the United Brotherhood of Carpenters for legal purposes—but this plan of the beneficiary system is still maintained with the carpenters' organization, or with the Amalgamated section.

Mr. THOMPSON. The benefits, or rather these assessments, are they compulsory or voluntary?

Mr. KELSO. The man joins the organization and—

Mr. THOMPSON (interrupting). When he becomes a carpenter does he become entitled to these benefits—

Mr. KELSO (interrupting). No; it is optional on the carpenter whether he wants to go into this beneficial system or not. He may go into a section where he does not pay as much dues, but he does not receive those benefits.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock this afternoon, to meet upstairs in the council chamber at 2 o'clock sharp.

(At 12.30 o'clock of Tuesday, May 26, 1914, a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The commission will please be in order.

(At the instruction of the commission some letters, etc., were received and marked "Morton Exhibit 1, of May 26, 1914.")

TESTIMONY OF MR. ALEXANDER KELSO—Continued.

Mr. THOMPSON. Mr. Kelso, I believe that you had covered the question of union benefits and the right of the election of the member as to what he was to take?

Mr. KELSO. I did not go fully into the benefit system. I would further qualify and show the extent that the organization does go in benefiting a member.

Mr. THOMPSON. You may state that briefly, if you can, Mr. Kelso.

Mr. KELSO. In the organization belonging to the carpenters we have an out-of-work benefit; we have a sick benefit; we have an injured benefit on account of loss of tools up to \$150 in one claim. We also have an accident benefit, total-disability benefit of \$700, a partial-disability benefit of \$350. We have a superannuated benefit; that is, a member belonging to the organization 25 to 30 years could get what we call a superannuated benefit for life to the extent of \$2.80 a week. That does not bar a man from following his employment or following any employment as long as he does not receive more than one-half of the wages of the district in which he is working. He can be a watchman or follow the trade, but at a lesser remuneration than a mechanic that is active.

Mr. THOMPSON. He can follow the trade?

Mr. KELSO. He can; yes, sir.

Mr. THOMPSON. What salary or day wage is he permitted to take?

Mr. KELSO. After the man is superannuated he can take any salary that he can bargain with the employer.

Mr. THOMPSON. What proportion of the dues are taken out of those benefits, or are they extra dues?

Mr. KELSO. The dues taken from those benefits are 35 cents a week to cover that benefit, and we pay him 15 cents a quarter for what we call a contingent-fund benefit. No benefit is held distinct, or no contribution is held distinct. We put it under what we call a common fund.

Mr. THOMPSON. What right or voluntary action has a carpenter as to whether he will joint the benefit or not?

Mr. KELSO. He is asked when he joins does he want to come into this beneficial system, or what we call a trade section, which only protects him in case of strikes and the contingent-fund account.

Mr. THOMPSON. What proportion of your membership takes the benefit of that, if you know?

Mr. KELSO. A large proportion of them generally enter the beneficial system.

Mr. THOMPSON. Would it be 75 per cent or 80 per cent or 90 per cent?

Mr. KELSO. I would class it about 75 per cent.

Mr. THOMPSON. Seventy-five per cent?

Mr. KELSO. Yes, sir.

Mr. THOMPSON. I understand from your previous testimony that the carpenters' union now have no trade agreement in New York City. Is that correct?

Mr. KELSO. We did not cover that, but it is so. At the present time we work under a lapsed trade agreement.

Mr. THOMPSON. How are the trade agreements usually negotiated by the union with the employers?

Mr. KELSO. By a committee selected from the joint district council of carpenters meeting a like committee of the employers' association—the carpenters employers' association.

Mr. THOMPSON. And agreeing upon the terms?

Mr. KELSO. And agreeing upon the terms.

Mr. THOMPSON. By conference?

Mr. KELSO. By conference.

Mr. THOMPSON. Do they, in case of a deadlock, ever submit the terms of such a contract to arbitration?

Mr. KELSO. I have never known them yet to submit it to arbitration. In the event of a deadlock we would adjourn and our committee would report to the joint district council the proposition that was put up by the employers, and they might then instruct them to modify the terms and have a further conference in order to bring about an agreement.

Mr. THOMPSON. Is that what you are doing now in New York?

Mr. KELSO. I believe that is contemplated.

Mr. THOMPSON. But has that so far been done?

Mr. KELSO. Not so far.

Mr. THOMPSON. Has your organization suffered in consequence by the fact that you have not now an agreement here in this city?

Mr. KELSO. No, sir.

Mr. THOMPSON. It was stated here that the workday of the carpenters is 8 hours and the wages \$5 per day; is that correct?

Mr. KELSO. Yes, sir.

Mr. THOMPSON. In this city?

Mr. KELSO. Yes, sir; that is for Manhattan. We have a lower scale for the Bronx, Brooklyn, Queens, and Richmond. We have a scale of wages in Bronx and Brooklyn. It is \$4.50 for 8 hours, and in Richmond and Queens, I believe, \$4.

Mr. THOMPSON. What is the reason for the different wage scale?

Mr. KELSO. To my way of thinking, there is no reason. I believe it ought to be all a universal scale in those five boroughs.

Mr. THOMPSON. How is the wage scale here in your trade as compared with large cities, like Chicago, Philadelphia, and Boston?

Mr. KELSO. I believe we are lower than in Chicago. I would say slightly higher than in Boston. I believe we are a little lower than San Francisco; but in the other cities, outside of the ones mentioned, I believe the wage compares favorably regarding the amount of money.

Mr. THOMPSON. What is the wage, if you know, in Chicago and in San Francisco, the higher places.

Mr. KELSO. I believe, 65 cents an hour.

Chairman WALSH. How about St. Louis?

Mr. KELSO. I don't know whether they have an advance. I say now I think it is on the same rate as New York. It may be. I believe it is about the same.

Chairman WALSH. May I ask a question? Are you well organized in the southern cities, such as New Orleans?

Mr. KELSO. Well organized.

Chairman WALSH. What is the wage in New Orleans for carpenters?

Mr. KELSO. I couldn't give you that with any degree of accuracy; but I can supply it to you.

Chairman WALSH. Would it not be well, Mr. Thompson, to get from this organization the scale of wages and hours in all the cities?

Mr. THOMPSON. I think it is a good suggestion, Mr. Chairman. And I would like to ask you if you will see your officers and have them file with this committee, if they will, a list giving the wage scale in the different large cities in this country.

Mr. KELSO. I would suggest to the commission that if you will write directly to the general president, Mr. James Kirby, Carpenters' Building, Indianapolis, Ind., you will get it direct.

(The list referred to was subsequently submitted in printed form.)

Mr. THOMPSON. What examinations are required for entrance into your trade in this city?

Mr. KELSO. The examinations required are very slight, that an ordinary carpenter can pass. For some years we had an examining board and latterly the examining board was done away with. We had a referendum vote that has just come in, and they want the examining board reestablished before taking in candidates. But when it was in force any ordinary carpenter could pass it. If he was a floor layer or a framer—we have got tests along those lines—and if he was an interior man, working on trim, he was tested on those lines.

Mr. THOMPSON. What was the purpose of such examination, and what effect did it have on the efficiency of the members of the union?

Mr. KELSO. The employers' association—the master carpenters' association—have from time to time told us that the men that were coming seeking work as carpenters were not qualified to do the work. That was the first reason we put on the examination board. That was to show that when we admitted a man into the organization that he knew something about the rudiments of the trade; that he was not a man coming along who thought this was the easiest avenue to get work and who, when he went out into a building to work, they found he was not competent, and, in fact, ought never to have made application. It was simply to distinguish that the man was a carpenter that he made the application.

Mr. THOMPSON. Were there any tests in this examination which were placed there for the purpose of creating a monopoly on the carpenter trade in this city in the hands of the union?

Mr. KELSO. No, sir; no, sir.

Mr. THOMPSON. What is the initiation fee for new members of your organization?

Mr. KELSO. The initiation fee established in New York is \$20 for a new candidate. Apprentices, who wish to join the organization, in the first year of their apprenticeship, pay \$5, which entitles them to a membership card after they complete their membership term.

Mr. THOMPSON. Did you ever require a special initiation fee from any individual applicant?

Mr. KELSO. As ex-member, a member that has run out for some time, of course, we make him pay \$10 more when he rejoins.

Mr. THOMPSON. What is the reason for that?

Mr. KELSO. Well, the reason for that, he has left the organization for some reason or other and during the period he was out of it he has not been paying any dues, but he has been receiving the benefits indirectly from the organization.

Mr. THOMPSON. Isn't that true of a new member who comes into your organization?

Mr. KELSO. Well, we think an ex-member who has been in the organization ought to pay \$30.

Mr. THOMPSON. That is, in the nature of, then, of a penalty for his having left the organization?

Mr. KELSO. Well, he left for some cause—thought he could get along without the organization.

Mr. THOMPSON. What, if you know, is the policy of your organization with reference to the admission of aliens and negroes in the membership?

Mr. KELSO. An alien can be admitted into our organization by declaring and taking out his first papers and by declaring his intention to the examining board. In regard to colored carpenters, we have a local in the city at the present time. There has never been any bar to admitting negroes into the organization.

Mr. THOMPSON. Have the traveling cards of journeymen carpenters been rejected on the ground of the color of the member?

Mr. KELSO. No; under the present system that the carpenters are working under in this country a carpenter can go from here to any part of England, Ireland, Scotland, or Africa with his card and be admitted into membership without any additional initiation fee.

MR. THOMPSON. Well, have not cases come to your union upon which a member has been rejected on account of his being a negro—on his travelling card; hasn't that case been appealed to the national union, if you know?

MR. KELSO. Prior to the district council, or the merging of the two organizations into one, there was a slight conflict between the two organizations; that is, the Amalgamated member, coming with a clearance card from England, was not regularly accepted by the United Brotherhood of Carpenters. They wanted him to leave that organization and join the other. But now that element of trouble has been done away with, with the two organizations coming under one general head.

MR. THOMPSON. What was the decision, if you know, in that case where appeal was made to the national body?

MR. KELSO. Referring to or regarding discriminations?

MR. THOMPSON. Yes.

MR. KELSO. I could not tell you as to that particular case. We have been fighting so many different cases; where a member came from another country and came into the district where that organization had established a local or a branch, there was no trouble whatever. But it was where he came into a district where that society had not established a branch or a local where the discrimination was.

MR. THOMPSON. Directing your attention to the matter of apprenticing, we understand the by-laws of your organization allow only 1 apprentice to each 10 journeymen. Is that right?

MR. KELSO. That is in the by-laws; yes.

MR. THOMPSON. What is the reason for the limitation of the apprenticeship to that ratio?

MR. KELSO. I don't know why that stipulation ought to be in the by-laws. Our hardest work representing the union is to get a lad into the carpenter shop to learn the trade. The employer as a rule don't want apprentices. We have never rigorously, although it is in the by-laws, enforced that rule. We have never yet barred apprentices from working or said there were too many with any one employer. In fact, our organization—we want the apprenticeship system; we try to encourage it, try to encourage our lads to join as apprentices, to take up night schools, drawing schools, and trade schools.

MR. THOMPSON. Then your organization is not opposed to the industrial education or vocational training?

MR. KELSO. No.

MR. THOMPSON. Did you hear what Mr. Wald said this morning?

MR. KELSO. Yes, sir.

MR. THOMPSON. Do you agree with his statement in that respect?

MR. KELSO. No, sir. Some time ago Dr. Maxwell, the superintendent of public schools in this greater city, sent for a committee to the board of business agents of the different trades asking for their cooperation in regard to installing vocational schools, and a committee was appointed. I was one of the committee representing our industry. We gave Dr. Maxwell all the assistance possible, all the information possible, to establish those vocational schools. Some time later there was investigators sent out, I believe, from Federal investigators, studying up the different trades, requirements of the trade, and the tools required. During the course of my work going through buildings, I took one of the lady investigators through and showed her the different lines of work that we carpenters did, and cabinetmakers, and tools that were needed in the business here, so that we were not against vocational schools. We are rather in sympathy with them.

MR. THOMPSON. Now, Mr. Kelso, do you know of any arrangement or understanding, written or verbal, between the employers and the unions in New York City by which it is attempted to give to the unions and to the local employers a monopoly of the building trade in this city?

MR. KELSO. No.

MR. THOMPSON. Have you ever heard of such a monopoly?

MR. KELSO. No.

MR. THOMPSON. Have you ever heard it was charged that there was such a monopoly established?

MR. KELSO. No.

MR. THOMPSON. You heard what Mr. Wald said in that regard to-day?

MR. KELSO. I listened to Mr. Wald reading the paper; yes. A great many things there I did not agree with that Mr. Wald said.

MR. THOMPSON. And this is one of the things that you did not agree with him?

Mr. KELSO. One of the things.

Mr. THOMPSON. Is there any limitation of output practiced or encouraged or insisted upon by your organization?

Mr. KELSO. No.

Mr. THOMPSON. In the agreement which you did have with the master carpenters it was provided that there shall be no limitation to the amount of work a man shall perform during his working day. In your by-laws it is provided, and these by-laws were in force and effect at the same time, "Any member that does an unreasonable amount of work or who acts as a leader for his employer for the purpose of getting all the work possible out of the men working in the same shop or job with him shall be fined, for his first offense, \$10; for the second offense he shall be suspended or expelled." Again it provides, "Any member found guilty of excessive work or rushing any job shall be reported by the steward of the shop, and each of them shall be ruled off the job and fined not less than \$10." How do you construe those several provisions—that in the contract and that in your by-laws?

Mr. KELSO. Covering the business agents for six years I never knew a charge being brought against a member under that section. I don't know why it is there. I don't know why it is written into our by-laws, because there is never anyone brought up on any one of those charges, doing an excessive amount of work or restraining a man from doing as much as he was able to. The general opinion is they all average up about the same at the end of the week or at the end of the day.

Mr. THOMPSON. Is there a sort of unwritten understanding among the members of your organization that a man should not work too hard on a job; should slow up?

Mr. KELSO. No.

Mr. THOMPSON. Then, what Mr. Waid said with reference to the building trade in New York in that respect does not apply to your organization?

Mr. KELSO. No.

Mr. THOMPSON. Is that true?

Mr. KELSO. That is true. Mr. Waid also stated, or read, that a mechanic that was efficient and could do a lot of work ought to get more money. I have never known of one yet, and I have known a good many hung-up mechanics in our business, who ever got more than \$5 a day.

Mr. THOMPSON. The reason, he said, for that was this: He said so many poor men who didn't earn \$5 a day got \$5 a day, that it has got to be taken from the good man. What have you to say in reference to that?

Mr. KELSO. Regarding a good and a bad man, it is hard to determine just what Mr. Waid meant. He may have meant a man that was good on the rough part of the work, but who was no good on the trim, and vice versa. If you take that man that was very good on cabinetwork and put him back to this rough work the other man is doing he would be just as much in loss as the rough man would be on his work. So I say they average up just about the same.

Mr. THOMPSON. In other words you say, Mr. Kelso, there is a specialty in carpenter work?

Mr. KELSO. Yes, sir.

Mr. THOMPSON. And what one man can perform well in one line he can not in another?

Mr. KELSO. Yes.

Mr. THOMPSON. Yet those men all belong to the same local union, do they not?

Mr. KELSO. Yes, sir.

Mr. THOMPSON. Do you ever have any jurisdictional fight over their work?

Mr. KELSO. No, sir.

Mr. THOMPSON. You might have if they belonged to different locals, might you not?

Mr. KELSO. We might.

Mr. THOMPSON. That is very probable, isn't it?

Mr. KELSO. It clears up itself.

Mr. THOMPSON. Well, yes; when they belong to the same locals.

Mr. KELSO. If a man is giving up or off a job and wants to take that class of work he applies for that class of work. Another man that does not want it, he passes it up and goes where there is a finer grade of work being done.

Mr. THOMPSON. Now, I asked you this morning with reference to the reason upon which you supposed or considered that carpenters had the right of putting up metal trim on the inside, and you gave some reason. I also asked you if you knew what the reasons were sheet-metal workers put forward why they

should have the work. Have you anything to add now to your previous statement?

Mr. Kelso. No; I think my previous statement covered the ground, the adaptability of the carpenter to follow that line of work, the tools required, and his system of working in wood readily takes him into the metals.

Mr. Thompson. That is all.

Commissioner GARRETSON. Mr. Kelso, is it also put forward as a reason in this jurisdictional question that the work of the trim is work that has from time immemorial been done by the carpenter, and, on account of the replacement of it by another material which is adaptable, should enable him to handle it, he asserts his right still to erect the trim?

Mr. Kelso. Yes, sir.

Commissioner GARRETSON. That is all.

(Witness excused.)

TESTIMONY OF MR. LOUIS J. HOROWITZ.

Mr. Thompson. Will you please give us your name, your address, and your business?

Mr. Horowitz. Louis J. Horowitz, 51 Wall Street, president Thompson-Starrett Co.

Mr. Thompson. That is a large construction company, is it not?

Mr. Horowitz. Yes, sir.

Mr. Thompson. Where do you do business?

Mr. Horowitz. All over the United States.

Mr. Thompson. And Canada?

Mr. Horowitz. Not yet.

Mr. Thompson. I rather thought that you were from the remarks that you made before.

Mr. Horowitz. No, sir.

Mr. Thompson. How long have you been with this company or in the construction business?

Mr. Horowitz. I have been about 15 years in the construction business; 11 years with Thompson-Starrett Co.

Mr. Thompson. During those 11 years, have you done work or has your company done work in the city of New York?

Mr. Horowitz. It has.

Mr. Thompson. Are you acquainted with the workings of what was called the arbitration system?

Mr. Horowitz. I am.

Mr. Thompson. In this city?

Mr. Horowitz. Yes, sir.

Mr. Thompson. From your point of view as a builder, did the workings of that arbitration system reduce the number of jurisdictional strikes?

Mr. Horowitz. It did.

Mr. Thompson. So far as you know, is there any other system in use in the other cities of the United States which has worked as effectively?

Mr. Horowitz. Not so far as I know.

Mr. Thompson. Do you have more or less jurisdictional troubles in New York City than elsewhere throughout the country?

Mr. Horowitz. We have less now.

Mr. Thompson. How do you account for that? On what reason or what grounds?

Mr. Horowitz. Because of the arbitration plan in the employers' association.

Mr. Thompson. From your experience, Mr. Horowitz, as a contractor and builder throughout the United States do you believe that a system of national arbitration or adjustment might be devised for dealing with the jurisdictional problem?

Mr. Horowitz. Yes, sir.

Mr. Thompson. Do you think that the fact that in New York City they might use some special machines or implements not used elsewhere—do you think that that fact would alter the value of a national body?

Mr. Horowitz. No; I think the entire situation might be adjusted to the extent of a national body.

Mr. Thompson. In other words, if they could take into consideration the local conditions and make differentials or allowances, say, for—

Mr. HOROWITZ (interrupting). Yes; and after a time they would have the conditions pretty much uniform.

Mr. THOMPSON. It has been stated here, Mr. Horowitz, by Mr. Rice, one of the business agents of the carpenters, that their international organization makes a demand for the installation of metal trim in all buildings wherever their union has an organization throughout the United States. Would not that fact in itself call for a national adjustment of that proposition?

Mr. HOROWITZ. Yes, sir; it would.

Mr. THOMPSON. Doesn't that same reason exist in many other trades?

Mr. HOROWITZ. Yes.

Mr. THOMPSON. It did between the plumbers and steam fitters, did it not?

Mr. HOROWITZ. Yes.

Mr. THOMPSON. Do you know of any reason why it would not be better to adjust jurisdictional matters by a national body rather than by local bodies?

Mr. HOROWITZ. I believe the adjustment in the first place should be left with the local bodies working under rules prescribed by the national body, and in the last analysis the national body should control.

Mr. THOMPSON. That is to say, where you had local bodies making adjustments there should be local bodies authorized by the national body?

Mr. HOROWITZ. Yes, sir.

Mr. THOMPSON. Working on a united plan?

Mr. HOROWITZ. That is right.

Mr. THOMPSON. It has been said here to-day that if the various unions in the building trades could be amalgamated into basic organizations it would save a great deal of jurisdictional strife. Do you know what is meant by that, and do you agree with it? That is to say, it has been said that if the plumbers and steam fitters and electricians were joined in one body it would be good.

Mr. HOROWITZ. But there is a great many cases for it—

Mr. THOMPSON (interrupting). And if the various crafts that are cutting and setting stone and marble and tile were joined together, all bodies using cement or dressing stone, that it would tend to reduce jurisdictional strife. Do you think that is true?

Mr. HOROWITZ. It is quite obvious; yes.

Mr. THOMPSON. From your experience with labor unions do you believe that if one international union had the control of disputes arising in the same line of industry they could better settle it than by having the present system or even the A. F. of L.?

Mr. HOROWITZ. I believe if the national body existed which had control over the unions, and if the employers in various cities made contracts with unions which were part and parcel of that national body, that a great many of the jurisdictional strifes would be avoided.

Mr. THOMPSON. Referring to the New York Employers' Association, Mr. Horowitz, for a moment, you were a member of that association up to 1905, were you not, your company?

Mr. HOROWITZ. Yes.

Mr. THOMPSON. At that time I believe you were put out, were you, to use a harsh term, expelled?

Mr. HOROWITZ. Expelled; yes.

Mr. THOMPSON. And you had a bond and that was forfeited?

Mr. HOROWITZ. Yes.

Mr. THOMPSON. And litigation is now pending as a result of that forfeiture, is it not?

Mr. HOROWITZ. No; we are again members of the employers' association; that litigation has been settled long ago.

Mr. THOMPSON. I understand that it has been settled.

Mr. HOROWITZ. Yes.

Commissioner O'CONNELL. What was the result of that litigation?

Mr. HOROWITZ. When we rejoined the employers' association they waived the right to collect on our bond.

Chairman WALSH. Waived the right to do what?

Mr. HOROWITZ. To collect on our bond.

Chairman WALSH. How much was the bond?

Mr. HOROWITZ. I think it was \$2,000.

Chairman WALSH. And, briefly, what were the obligations of it?

Mr. HOROWITZ. That each member of the association should abide by all the rules of the employers' association. The employers' association ordered a

lockout of carpenters, and the then managers of the Thompson-Starrett Co. saw fit to ignore the order.

Chairman WALSH. Did they attempt to forfeit the entire bond?

Mr. HOROWITZ. Yes, sir.

Chairman WALSH. That was in accordance with the terms, was it?

Mr. HOROWITZ. Yes, sir.

Chairman WALSH. That is all.

Mr. THOMPSON. To draw a parallel, Mr. Horowitz, you did not obey the order of the parent body, did you?

Mr. HOROWITZ. Order of the employers' association; yes, sir.

Mr. THOMPSON. They have taken you back in?

Mr. HOROWITZ. Yes, sir.

Mr. THOMPSON. The structural-iron workers refused to obey the rules of the same body, did they not?

Mr. HOROWITZ. That is, the employees; the unions; yes, sir.

Mr. THOMPSON. I mean the employers' association as well, together.

Mr. HOROWITZ. I don't know that the bosses in the structural-iron industry are at any loggerheads with the association.

Mr. THOMPSON. All right.

Mr. HOROWITZ. I think it is the unions.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. You were members of the arbitration plan at that time, were you not?

Mr. HOROWITZ. Yes, sir.

Commissioner O'CONNELL. Were not the ironworkers members of the arbitration plan before the last strike was ordered?

Mr. HOROWITZ. Do you mean the unions?

Commissioner O'CONNELL. Yes.

Mr. HOROWITZ. Yes, sir; they were members of the arbitration plan.

Commissioner O'CONNELL. You were reinstated by the same people that had expelled you?

Mr. HOROWITZ. Yes, sir.

Commissioner O'CONNELL. And the ironworkers were expelled by them for a violation also of the rules?

Mr. HOROWITZ. Yes, sir.

Commissioner O'CONNELL. And they have not been reinstated?

Mr. HOROWITZ. Yes. I am not familiar with the facts attending that quarrel.

Chairman WALSH. Any other questions?

Commissioner GARRETSON. Would you consider, Mr. Horowitz, that the violation of a rule of this local body, employers and employees, by a union was a more serious offense than a violation of the rule by an employer?

Mr. HOROWITZ. No, sir; I do not.

Commissioner GARRETSON. Then you would hold the opinion that if an employer violated a basic rule, as was the case in this instance, and was reinstated that it was nothing but common equity that if no greater violation existed on the part of the union that they also should have been reinstated?

Mr. HOROWITZ. Yes, sir; I do.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions, Mr. O'Connell?

Commissioner O'CONNELL. No, sir.

Chairman WALSH. Any questions, Mrs. Harriman?

Commissioner HARRIMAN. No, sir.

TESTIMONY OF MR. JAMES LENNON.

Mr. THOMPSON. Mr. Lennon, will you give us your name and address and your occupation, please?

Mr. LENNON. James Lennon, 461 Brooke Avenue.

Mr. THOMPSON. What is your occupation?

Mr. LENNON. Business agent at the present time for the sheet-metal workers.

Mr. THOMPSON. How long have you been business agent?

Mr. LENNON. Since the fall of 1907.

Mr. THOMPSON. Were you business agent at the time of this contest between the carpenters and your organization over the installation of metal trim?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. Upon what ground does your organization claim the right to install metal trim in a building?

Mr. LENNON. Well, because it is composed of sheet-metal work that is given to us in our jurisdiction claim.

Mr. THOMPSON. It is composed of sheet metal?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. Is that the only reason?

Mr. LENNON. Well, from the inception of the work we done it here in New York City for four and a half years until a member of the employers' association started in that business, and at that time I visited his shop, and he told me and showed me where he was clearing away part of the machinery; that he was going to install machinery to manufacture this ornamental door and trim. He says—now this was Mr. Ipshoff—he says, "If I go into this business will other employers come in here and compete against me in this line of business?" I told him that was a question that I could not answer at the present time; that I would take it up with the organization that I represented, and I did so.

Mr. THOMPSON. Just a moment. What was this man manufacturing?

Mr. LENNON. He was prior to this time manufacturing kalamain work; that is, wood-covered doors and trim.

Mr. THOMPSON. Metal covering for the wood?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. Was he putting it on the wood?

Mr. LENNON. It was drawn over wood by machinery.

Mr. THOMPSON. He was doing that work?

Mr. LENNON. That was a class of work he had done prior to this time.

Mr. THOMPSON. As I understand you, he was not installing it then?

Mr. LENNON. He was both constructing and installing kalamain work; that is, metal drawn over wood.

Mr. THOMPSON. I am trying to find out whether he manufactured it alone, or both manufactured and installed them?

Mr. LENNON. Both. He took a contract to manufacture and erect.

Mr. THOMPSON. How long had he been doing that?

Mr. LENNON. Oh, before my time. 1893, I believe, he started in the fire-proofing business. That is what I heard.

Mr. THOMPSON. At the time he was doing this work, was all the metal-covered wood being installed by members of your organization?

Mr. LENNON. No, sir. We never laid claim to the kalamain work, the installing of it.

Mr. THOMPSON. You never laid claim to the installing of it?

Mr. LENNON. No, sir. Not the wood covered with metal.

Mr. THOMPSON. But in the metal trim; I want to direct your attention to the metal trim as we now have it, which I understand is not wood covered with metal.

Mr. LENNON. No, sir.

Mr. THOMPSON. When was that first put in buildings here in this city?

Mr. LENNON. Around 1905.

Mr. THOMPSON. What union installed the work in the building?

Mr. LENNON. The sheet-metal workers.

Mr. THOMPSON. How long did they continue to install that work in buildings in New York City?

Mr. LENNON. From 1905 until the latter part of 1909.

Mr. THOMPSON. Then who installed it?

Mr. LENNON. Well, Mr. Rapp put carpenters on a job on the west side, and the employers' association took his side of it, and from that on, with the exception of one large job on the west side, three years ago last August, the carpenters have done the largest majority of the work.

Mr. THOMPSON. The matter was submitted to Judge Gaynor, wasn't it, and he decided in favor of the carpenters?

Mr. LENNON. Well, I have the minutes of those proceedings, the complaint, and what was tried, and the motions that were submitted to Judge Gaynor.

Mr. THOMPSON. Have you got his decision on it?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. Would you be willing to give those to the commission?

Mr. LENNON. Later on I may. There may be some points I might need.

Mr. THOMPSON. I mean to-day. Would you let us have that?

(No response.)

Mr. THOMPSON. You may state in your own way what were the reasons upon which he gave that work to the carpenters?

Mr. LENNON. That I could not say. By reading his decision and reading the case that was presented before him he had no right to give such a decision. And I want to say in addition to that that in regards to Mr. Norman's statement to-day that the general plan of arbitration in New York never accepted Judge Gaynor's decision as their decision. I have that here on the record.

Mr. THOMPSON. Then you differ from him when he stated that Judge Gaynor's decision was accepted since the termination of the arbitration plan as part of the common law?

Mr. LENNON. He stated that the employers' association made it as a decision, but the general arbitration from which it started never did acknowledge it as a decision.

Mr. THOMPSON. Of course, before the introduction of metal trim as part of the interior work in a building wood was used, was it not?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. And this wood was always put up by a carpenter?

Mr. LENNON. I believe so.

Mr. THOMPSON. Upon the introduction of metal instead of wood wherever that was substituted, if that was given to the sheet-metal workers' union it could take that work away from the carpenters, would it not?

Mr. LENNON. In all other cases where it was changed from wood to sheet-metal work the sheet-metal workers did the work. All that was original work, woodwork, and whenever it was changed the sheet-metal workers got it.

Mr. THOMPSON. The reason for the dispute over the installation of metal trim grows out of this evolution of the industry, does it not?

Mr. LENNON. The carpenters never disputed the sheet-metal workers right to do this work until a member of the employers' association put them to work on it.

Mr. THOMPSON. Is that true in other parts of the United States?

Chairman WALSH. Put who to work?

Mr. LENNON. What?

Chairman WALSH. Put who to work?

Mr. LENNON. Put the carpenters to work. We had done it, and wherever wood had been changed to sheet metal in New York, wherever the carpenters done the work we had them knocked off and we put our own men on it.

Chairman WALSH. Was that true of other parts of the United States?

Mr. LENNON. As far as I know. In accordance with the decisions that had been passed throughout the United States our men had to know that. In fact, believe they are doing portions of it yet—mostly all parts.

Chairman WALSH. The decision of this matter, I understand, was made by the American Federation of Labor at its Tampa convention?

Mr. LENNON. Yes, sir.

Chairman WALSH. And the decision was in favor of your organization?

Mr. LENNON. Our international; yes, sir.

Commissioner O'CONNELL. That was the building trades department at Tampa?

Mr. LENNON. The building department of the American Federation of Labor.

Commissioner O'CONNELL. Upon what basis or grounds did they make the decision, if you know?

Mr. LENNON. Because a majority of the trades decided that the sheet-metal workers should do it instead of the carpenters.

Mr. THOMPSON. Do you know why they decided that was sheet-metal workers' work? What were the reasons that made them so decide?

Mr. LENNON. Why, that is the way it looked to me, that the sheet-metal workers were more competent than the other trades. If there was any alteration or change to be made in the material, in almost all cases it takes a sheet-metal worker to make such a change.

Mr. THOMPSON. Why, if you know, do employers prefer carpenters to do that work?

Mr. LENNON. Why?

Mr. THOMPSON. Yes.

Mr. LENNON. Because they can manufacture cheaper.

Mr. THOMPSON. Why?

Mr. LENNON. Because their shops are on the open-shop plan and they are not paying full wages for their material.

Mr. THOMPSON. Are not most of the carpenter shops and mills organized?

Mr. LENNON. Not all of them. Some shops I know of here in the territory which I cover are nonunion shops—especially trim.

Mr. THOMPSON. You mean the metal trim is nonunion made?

Mr. LENNON. In New York City.

Mr. THOMPSON. And that is the reason, in your opinion, the employers prefer carpenters?

Mr. LENNON. Yes. And so out in Chicago, the employers there are paying the prevailing rate of wages and the manufacturers both.

Mr. THOMPSON. Well, the sheet-metal workers would refuse to handle non-union made sheet-metal work, would they not?

Mr. LENNON. Why, no. It is customary in all cases that sheet-metal work as a structural introduction for construction is handled by metal workers.

Mr. THOMPSON. Therefore, your members refuse to handle and erect non-union made stuff?

Mr. LENNON. Well, I have not known where we have refused to handle stuff of that kind. It was customary and we tried to have working conditions which existed here between the employers and the rest of them to exist—

Mr. THOMPSON. Well, assuming some nonunion sheet-metal trim was made, either in New York by nonunion workers, or shipped into New York, but being made in nonunion shops, would your members install that?

Mr. LENNON. Provided he had unionized his shop.

Mr. THOMPSON. Suppose he had not unionized his shop?

Mr. LENNON. Well, sometimes they put it up; and more times we give them a fight on it. We haven't the power at all times.

Mr. THOMPSON. Well, isn't it true that the carpenters will erect nonunion material of that kind?

Mr. LENNON. Well, they are doing it.

Mr. THOMPSON. They are doing it. Do you know whether that fact has any weight with the employers in preferring carpenters to erect the work rather than the sheet-metal workers?

Mr. LENNON. Well, that I don't know.

Mr. THOMPSON. How many members in your trade have you in the city of New York, if you know?

Mr. LENNON. How many members?

Mr. THOMPSON. Yes.

Mr. LENNON. That is difficult to say.

Mr. THOMPSON. Well, in New York City?

Mr. LENNON. Two thousand three hundred or two thousand five hundred.

Mr. THOMPSON. How many men are there working at that trade in this city, if you know, which would include the nonunion workers, if there are any?

Mr. LENNON. Working at nonunion work?

Mr. THOMPSON. No; I mean how many metal workers are there altogether in New York City?

Mr. LENNON. That I could not give you an idea on.

Mr. THOMPSON. Are there many nonunion sheet-metal workers?

Mr. LENNON. Not in the building line.

Mr. THOMPSON. That you know of?

Mr. LENNON. Not in the building line.

Mr. THOMPSON. In other words, you are pretty well organized in that line?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. Have you any trade agreements—your organization—and if so, with whom?

Mr. LENNON. Well, we have had trouble going on two years last October, and the employers had an agreement printed and submitted it to one of the—that is, the new organization that was formed against us—and the employers insisted that we live up to that. There is part of our membership at the present time does not believe in that agreement and don't want it, nor don't intend to live up to it.

Mr. THOMPSON. You say a dual organization was formed?

Mr. LENNON. We were locked out; yes, sir.

Mr. THOMPSON. Is that the dual organization in existence to-day?

Mr. LENNON. No, sir.

Mr. THOMPSON. When was the lockout terminated, and upon what condition?

Mr. LENNON. The lockout came in 1911—in November, 1911, and hostilities ceased in August, 1913.

Mr. THOMPSON. How did they cease?

Mr. LENNON. By both organizations coming together again—that is, the new organization and the old.

Mr. THOMPSON. And was there any agreement then made with the employers?

Mr. LENNON. Not by this organization; not by the new organization.

Mr. THOMPSON. Well, did the new combined organization accept the condition which the employers had requested two years before that?

Mr. LENNON. Well, that question is unsettled at the present time. As I told you, some of the members do not want to live up to that agreement. That is, they claim it was an unjust agreement that was made by one party and not by two; and it takes two to make an agreement. There is no signature from the labor side to that agreement.

Mr. THOMPSON. In other words, if I may state it in other words, when the employers formed this dual union and made an agreement with them, they forced the old organization to accept those conditions whether they liked them or not?

Mr. LENNON. They tried to do it; yes, sir.

Mr. THOMPSON. Well, so far, they have?

Mr. LENNON. Well, yes, they have done it to a certain extent.

Mr. THOMPSON. When you have made trade agreements with parties, how are they negotiated and arranged for?

Mr. LENNON. By a joint committee from the labor side and the employers' side.

Mr. THOMPSON. By the result of conferences?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. In the case of disagreement, where any had arisen, were they submitted to arbitration, or simply fought out?

Mr. LENNON. Well, you keep negotiating for a certain time, if you can, to see—we never submitted an agreement to arbitration yet.

Mr. THOMPSON. Never used that method?

Mr. LENNON. No; most times we settled it by negotiations, and one time we had pending a strike of 13 days.

Mr. THOMPSON. What was the working condition in your trade with reference to the length of hours and the wages?

Mr. LENNON. Eight hours a day, 41 hours a week, and at the rate of \$5 a day.

Mr. THOMPSON. In a normal year, about how much of the year would a member be supposed to work?

Mr. LENNON. Well, with sheet-metal workers, some members work steadily the year around.

Mr. THOMPSON. About what proportion would work steadily the year around?

Mr. LENNON. About 50 per cent.

Mr. THOMPSON. How steadily would the other 50 per cent work?

Mr. LENNON. Well, some work 6 months, 8 months, 10 months, and so on.

Mr. THOMPSON. Has your union got a benefit system in case of sickness, accident, men out of work, and death?

Mr. LENNON. They have a death benefit of \$500—\$100 from our International.

Mr. THOMPSON. Have you any benefit in the case of sickness?

Mr. LENNON. Well, no; but it is customary for us to loan money to a member in need, and in worthy cases they make donations to such members.

Mr. THOMPSON. Does the money that comes from the death benefit come out of the original dues or is it an additional assessment?

Mr. LENNON. An additional assessment.

Mr. THOMPSON. Has a member a right to the general benefit proposition or not, as he pleases?

Mr. LENNON. All the members are subject to the general benefit assessment.

Mr. THOMPSON. What examinations do you have in your trade for the admission of members?

Mr. LENNON. Well, the regular examination board.

Mr. THOMPSON. Have you got a regular laid-out scheme of examination?

Mr. LENNON. No, sir; there are different branches in all sheet-metal industry, and whatever branch you apply to, the members working in that line examine them.

Mr. THOMPSON. What is the purpose in the examination?

Mr. LENNON. To find out whether he is a sheet-metal worker or not.

Mr. THOMPSON. Is that examination ever used by your union to create a monopoly in that trade among your members?

Mr. LENNON. No, sir.

Mr. THOMPSON. What is the initiation fee that you charge?

Mr. LENNON. At the rate of 100 hours' work.

Mr. THOMPSON. What would that be?

Mr. LENNON. About \$62.50.

Mr. THOMPSON. Do you ever raise the initiation fee in the case of any individual?

Mr. LENNON. No, sir; that is the initiation fee.

Mr. THOMPSON. What is the policy of your organization with regard to the admission of aliens and negroes—

Mr. LENNON. How is that?

Mr. THOMPSON. Of aliens or foreigners and negroes?

Mr. LENNON. The only objection we have to aliens is that they are supposed to make application for their first papers, and if he makes that we have no objection whatever.

Mr. THOMPSON. Have you a copy of your by-laws and constitution here?

Mr. LENNON. No, sir.

Mr. THOMPSON. Have you a printed constitution?

Mr. LENNON. We are working on one at the present time for the new organization.

Mr. THOMPSON. In your by-laws passed, have you provided for a system of apprenticeship and helpers?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. Will that subject be covered by your new constitution and by-laws?

Mr. LENNON. I believe so.

Mr. THOMPSON. And would you have any objection to sending a copy of the new constitution and by-laws to this commission when it is finished?

Mr. LENNON. I do not believe that there will be any objection to it.

Mr. THOMPSON. Will you do it?

Mr. LENNON. I will do my utmost to have a copy furnished.

Mr. THOMPSON. Will the members of your organization work for contractors who are not members of the contracting association?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. You have in your contract, or at least referring to your past contract, was there anything in your past contract which forbid your members working for whomsoever they pleased?

Mr. LENNON. Well, it was supposed to be submitted to a trade board, but I don't believe we ever submitted anything like that. We always furnished men anyway to anyone who is conforming to the working condition.

Mr. THOMPSON. Never had any trouble over that?

Mr. LENNON. On one or two occasions the employers had refused to take the matter up with us, but there was no decided action.

Mr. THOMPSON. Was there any arrangement between your organization and any employer or association of employers in this city by which you seek to give to the local employers the monopoly of the trade in this city?

Mr. LENNON. No, sir.

Mr. THOMPSON. Will your members install union-made material that has been manufactured elsewhere within this city?

Mr. LENNON. Yes, sir; if it conforms to the same rules as we have here—that is, if, under the same working conditions, the same hours and wages.

Mr. THOMPSON. Has there been in any case that you know of where the members of your organization have refused to install sheet-metal work in this city where it was made under union conditions by union men—the same union conditions that you have here?

Mr. LENNON. Not if it was made under the New York conditions.

Mr. THOMPSON. Does your organization insist that not only shall the work be made by union men under New York union conditions, but also that it shall be manufactured in this city?

Mr. LENNON. No, sir; the organization that I represent does not insist on that.

Mr. THOMPSON. Are you sure about that?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. For instance, to put it another way, if an outside manufacturer, say a man in Pittsburgh—a manufacturer of sheet-metal work, employing only members of your international organization and paying them the same wages and giving them the same hours and working conditions as those that exist in New York City, your members would then install that here without objection?

Mr. LENNON. Yes, sir; I believe they would. There is a case of that kind, but not in my district; another delegate's district.

Mr. THOMPSON. You say you believe they would?

Mr. LENNON. Yes, sir.

Mr. THOMPSON. Why don't you know they would?

Mr. LENNON. Well, I can only give my opinion for the organization. I don't know what the organization—

Mr. THOMPSON. Well, then, the practice of your organization is not such as to lead you to be sure about it?

Mr. LENNON. Well, to the best of my belief, if the material was manufactured under conditions in accordance with our international law, we would erect it. It would be a violation of our international constitution if we would not do so.

Mr. THOMPSON. Are there any limitations required by your union, either in print or understood among the members, upon the output of a worker?

Mr. LENNON. No, sir.

Mr. THOMPSON. Mr. Chairman, that is all, if you please.

Chairman WALSH. Does any one of the commission desire to ask any questions?

Commissioner LENNON. I wish to ask him a question or two.

Chairman WALSH. Mr. Lennon will inquire.

Commissioner LENNON. Mr. Lennon, have you heard or have you any knowledge of alleged graft among the representatives of your union and the business agents in this city?

Mr. LENNON. Well, it is a customary word, but I think it is passed around as a jest, more so than anything else.

Commissioner LENNON. You have observed nothing of that kind in your own experience?

Mr. LENNON. No, sir.

Commissioner LENNON. Either as to yourself or as to other business agents?

Mr. LENNON. No, sir.

Commissioner LENNON. I think that is all.

Chairman WALSH. Any other questions?

Commissioner BALLARD. Yes. Mr. Lennon, when Mr. Thompson asked you if there would be any reason why material manufactured in Pittsburgh under union conditions and wages could not be used in New York by your union, you said or stated that probably your union would, but another district might not use it. Did I understand that correctly?

Mr. LENNON. Another district?

Commissioner BALLARD. Yes, sir.

Mr. LENNON. No; I am in only one district here in New York, but the same rules apply everywhere in New York.

Commissioner BALLARD. Do you know, as a matter of fact, that throughout the entire New York City district that material made in union plants elsewhere would be put up by your union?

Mr. LENNON. Yes, sir.

Commissioner BALLARD. And you know of no cases where they have refused to do it?

Mr. LENNON. No, sir.

Commissioner O'CONNELL. Mr. Lennon, in connection with the organization of that dual union—you were formerly members of the arbitration plan?

Mr. LENNON. Yes, sir.

Commissioner O'CONNELL. The old organization?

Mr. LENNON. Yes, sir.

Commissioner O'CONNELL. And because you refused to accept the decision of the employers' association in the arbitration agreed upon by the mayor you were seated or suspended from the arbitration plan?

Mr. LENNON. I did not get that quite right.

Commissioner BALLARD. How did you get out of the arbitration?

Mr. LENNON. Well, we got out at the time when it broke up on account of the steam fitters' trouble.

Commissioner BALLARD. Did the decision of Judge Gaynor have anything to do with it?

Mr. LENNON. No, sir.

Commissioner BALLARD. How did the employers come to organize the unions in opposition to the plan of arbitration?

Mr. LENNON. It wasn't in existence at the time the dual organization was formed. The employers locked us out on account of our going on a strike on the metal work on the Bankers' Trust Building, and they formed a dual union against us.

Commissioner BALLARD. They wanted to force you to agree to the carpenters erecting the metal work?

Mr. LENNON. Yes, sir.

Commissioner BALLARD. Because you refused to do that they organized the dual organization?

Mr. LENNON. Yes, sir.

Commissioner BALLARD. Which dual union has since become the one union in the building trades, has it not?

Mr. LENNON. Yes, sir.

Commissioner BALLARD. In your trade?

Mr. LENNON. Yes, sir.

Commissioner BALLARD. And you are now merged or amalgamated into that union?

Mr. LENNON. Yes, sir.

Chairman WALSH. How did the merger come about, briefly? Did you take this entire union into your organization?

Mr. LENNON. Well, no. Both organizations amalgamated, and the members that broke away from us paid up their back indebtedness or any moneys that they owed us and paid into the new organization.

Chairman WALSH. That is all; thank you, Mr. Lennon.

Call your next witness, Mr. Thompson.

Mr. THOMPSON. I find that in the making of this program we had counted on Mr. Gilhreth being here, and I understand he has gone away—sailed for Europe—and we have now reached the end of the witnesses who have been subpoenaed for to-day. As I suggested to you during the day, Mr. Chairman, there is a question of the painters here, who wanted to be heard; and, unfortunately, when we came back after the noon recess they were not in the room, but I see some of them here.

Chairman WALSH. Unless they are ready to testify—

Mr. THOMPSON. They are not quite ready.

Chairman WALSH. The commission will then stand adjourned until 10 o'clock to-morrow morning, in the reception room off the mayor's office.

(Thereupon, at 3 o'clock and 5 minutes p. m. of Tuesday, May 26, 1914, an adjournment was taken until Wednesday morning, May 27, 1914, at 10 o'clock

NEW YORK CITY, May 27, 1914—10 a. m.

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Baird, and Garretson.

Chairman WALSH. Call your first witness, Mr. Thompson.

Mr. THOMPSON. Mr. Taggart, will you now please take the stand?

TESTIMONY OF MR. JOHN T. TAGGART.

Mr. THOMPSON. Give us your name, address, and business, Mr. Taggart.

Mr. TAGGART. John T. Taggart; address, 3020 Highland Avenue, Mount Vernon, N. Y.; business, metallic lather.

Mr. THOMPSON. Are you an officer in that organization?

Mr. TAGGART. Yes, sir; I am one of the business agents.

Mr. THOMPSON. What is the business name of your organization?

Mr. TAGGART. Metallic Lathers of New York City and vicinity, Local 46 of the Wood, Wire, and Metal Lathers' International Union.

Mr. THOMPSON. Is that the international union organized fairly well over the country?

Mr. TAGGART. I believe they have got something over 200 locals.

Mr. THOMPSON. In most of the large cities?

Mr. TAGGART. In all the large cities.

Mr. THOMPSON. Do you hold any other offices in connection with the business agents of New York City?

Mr. TAGGART. Well, I am president of the Manhattan Board of Business Agents, and president of the executive council of the Building Trades of Greater New York and Long Island.

Mr. THOMPSON. Are those two distinctive bodies?

Mr. TAGGART. They are two distinctive bodies; but they are under the jurisdiction of the executive council; that is, the Manhattan board is.

Mr. THOMPSON. What is the form of the Manhattan board and how is it composed; who are its members?

Mr. TAGGART. The Manhattan board is composed of, I believe, 32 different organizations all in the building line.

Mr. THOMPSON. How many delegates do they have to that board?

Mr. TAGGART. I believe about 62. Wait a moment—I will tell exactly.

(Witness here hands a pamphlet to Mr. Thompson.)

Mr. THOMPSON. Does this book which I have here in my hand, called the Executive Council United Boards of Business Agents of Greater New York and Long Island Building Trades, contain the organization—the constitution and by-laws of this Manhattan board?

Mr. TAGGART. No; that is not the constitution. That contains the names of all the business agents and their addresses and the organization that they represent within Greater New York.

Mr. THOMPSON. In Greater New York?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. That is the executive council?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. I believe you stated—

Mr. TAGGART (interrupting). Here is the constitution of the executive council.

Mr. THOMPSON. I will ask that these books be marked, the list of members of the executive council as "Taggart Exhibit 1" and the constitution is "Taggart Exhibit 2."

(Taggart Exhibit No. 1, booklet entitled "Executive Council of the United Boards of Business Agents of Greater New York and Long Island Building Trades," issued March, 1914, and Taggart Exhibit No. 2, booklet entitled "Constitution, Executive Council, United Boards of Business Agents," issued October, 1912, were submitted in printed form.)

Mr. THOMPSON. Now, this executive council has jurisdiction over the Manhattan board, has it.

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What is the Manhattan board and how many representatives has it?

Mr. TAGGART. About 62, I believe.

Mr. THOMPSON. The same as the executive council?

Mr. TAGGART. Well, I might explain that. There are five borough boards, the Bronx, Manhattan, Queens, Richmond, and Brooklyn. There is one delegate from each organization which composes the executive council—one member of each industry composes the executive council. Take the carpenters, for instance, in the Manhattan board of delegates, they have got about seven representatives. In Queens they have got about three; in Richmond two; Bronx three, and the same way with the other organizations. Now, I don't attend any of the meetings of Queens, Brooklyn, or Richmond. One of the other two delegates does that—of the metallic lathers.

Mr. THOMPSON. That is to say, so far as the Manhattan board is concerned, they are composed how?

Mr. TAGGART. Each industry has got one delegate to the council.

Mr. THOMPSON. What work does the Manhattan board do and what work does the executive council do?

Mr. TAGGART. The Manhattan board takes up all grievances for the Borough of Manhattan, such as common men on a job, or jurisdiction between trades on a job; and the council—if the trade is not satisfied with the decision of the board, it has got a right of appeal to the council if it sees fit.

Mr. THOMPSON. So, so far as any matters brought up before the Manhattan board are concerned, the council is an appellate body?

Mr. TAGGART. Yes.

Mr. THOMPSON. What other functions does the council exercise?

Mr. TAGGART. The council does not exercise any other functions outside of that.

Mr. THOMPSON. Just acts—

Mr. TAGGART (interrupting). Just acts practically as an arbitrator over the boards.

Mr. THOMPSON. Is there an organization known as the cement league in New York City?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Has that got a constitution and by-laws?

Mr. TAGGART. It has.

Mr. THOMPSON. Have you got those with you?

Mr. TAGGART. No, sir.

Mr. THOMPSON. Are you a member of that organization?

Mr. TAGGART. Yes sir; I represent the lathers on that board.

Mr. THOMPSON. How many members does that board have?

Mr. TAGGART. That board consists of 10—5 employers and 5 delegates from the trades.

Mr. THOMPSON. What are the trades which are—

Mr. TAGGART. (Interrupting). The Brotherhood of Carpenters, the holsting association of portable engineers, the cement masons, the cement workers, and the metallic lathers.

Mr. THOMPSON. Who do the five representatives of the employers represent, what trades?

Mr. TAGGART. They represent the masters' league of cement workers.

Mr. THOMPSON. Well, the master carpenters, for instance?

Mr. TAGGART. No, sir; they represent the masters' league of cement workers.

Mr. THOMPSON. What business ordinarily do the members of the masters' league of cement workers do?

Mr. TAGGART. Cement work.

Mr. THOMPSON. Well, what kind would that be?

Mr. TAGGART. Well, that is reinforced concrete—the entire building—cements, sidewalks, cellars, anything in the cement line.

Mr. THOMPSON. The carpenters would be used in that work for the forms?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. And other carpenter work?

Mr. TAGGART. And other carpenter work.

Mr. THOMPSON. And would the portable engineers be a party in that work?

Mr. TAGGART. Holsting concrete.

Mr. THOMPSON. And your body is a party because it makes the lathes?

Mr. TAGGART. In putting in the reinforced work and the wire—reinforced steel, iron, or wire.

Mr. THOMPSON. The structural-iron workers are not a member of that league?

Mr. TAGGART. No, sir.

Mr. THOMPSON. Over what territory has the cement league jurisdiction?

Mr. TAGGART. They are supposed to have jurisdiction over 25 miles of the City Hall, of New York.

Mr. THOMPSON. Now, you have already stated that the carpenters which are in this cement league are part of the International Brotherhood of Carpenters?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. And that is true of the other trades you named?

Mr. TAGGART. The carpenters, cement workers, cement masons, holsting engineers, and lathers; they constitute that body.

Mr. THOMPSON. The carpenters, you say, have seven members on the Manhattan board?

Mr. TAGGART. To the Manhattan.

Mr. THOMPSON. How many portable engineers have you got?

Mr. TAGGART. Yes.

Mr. THOMPSON. How many cement masons go to the Manhattan board?

Mr. TAGGART. Two. I believe. They may have three, but I know of two.

Mr. THOMPSON. How many have the cement workers?

Mr. TAGGART. Three.

Mr. THOMPSON. And how many do you have?

Mr. TAGGART. Two.

Mr. THOMPSON. What is the usual attendance at a meeting of the Manhattan board, and how many generally are there?

Mr. TAGGART. Why, I believe they average about 35 or 40 delegates. At special meetings you can get the whole of them there.

Mr. THOMPSON. But I am talking about the average.

Mr. TAGGART. Yes; the average is about 35.

Mr. THOMPSON. Has there been a jurisdictional dispute between you organization and the structural-iron workers with reference to the setting of the iron rods in connection with reinforced concrete work?

Mr. TAGGART. There has been; yes, sir.

Mr. THOMPSON. When did that begin?

Mr. TAGGART. After the Trumpa convention, building-trades department.

Mr. THOMPSON. Let's see, what year was that in?

Mr. TAGGART. I think that was four years ago, or five; I am not certain.

Mr. THOMPSON. What was done at the Tampa convention with reference to that subject?

Mr. TAGGART. The building-trades department took up the question between the bridge and structural-iron workers and the Wood, Wire, and Metal Lathers' International Union, and, as I understand it, it was referred to a committee, and the committee reported back that the work in dispute was in possession of the ironworkers, and the convention voted so—not unanimously—but the majority voted to uphold the report of the committee.

Mr. THOMPSON. Who at that time was doing that work in New York?

Mr. TAGGART. The metallic lathers. No one else ever done it.

Mr. THOMPSON. For how many years had you been doing that work in New York?

Mr. TAGGART. About 15 years.

Mr. THOMPSON. About 15 years?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Did your organization carry out the decision of the Tampa convention?

Mr. TAGGART. No, sir.

Mr. THOMPSON. In New York you did not?

Mr. TAGGART. No, sir.

Mr. THOMPSON. How is it done—carried it out elsewhere?

Mr. TAGGART. Not to my knowledge.

Mr. THOMPSON. Is there any other part of the United States where your international organization sets steel rods and cement work?

Mr. TAGGART. I believe there is, but I would not like to state it because I have no facts. That is, I did not personally see it myself.

Mr. THOMPSON. Are there any other cities where you believe that they do set the work?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What are they?

Mr. TAGGART. No. 5 of Detroit is supposed to have set it.

Mr. THOMPSON. What other cities?

Mr. TAGGART. No. 72 in Boston is supposed to have set the work. St. Louis, I believe, is supposed to set the work. Now, remember, this is only hearsay; I haven't got any proof of it.

Mr. THOMPSON. I understand, Mr. Taggart, that you have gone to each of those cities and personally examined the work?

Mr. TAGGART. Yes, sir. I am not a national officer.

Mr. THOMPSON. I am asking for your belief and from your common knowledge on that subject.

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. And you think that in the cities of Detroit, Boston, St. Louis, as well as in New York, your organization is setting this work?

Mr. TAGGART. I believe so.

Mr. THOMPSON. Did the structural-iron workers bring up the question in New York City after the Tampa convention?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. With reference to who should do this work?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Where was it brought up?

Mr. TAGGART. On the Polo Grounds.

Mr. THOMPSON. On the Polo Grounds?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. When and how?

Mr. TAGGART. When they were erecting the stadium at the Polo Grounds it came up in the board of delegates there. At that time we were members of the building trades department; that is, they had a department in here at the time.

Mr. THOMPSON. What year was that, at the Polo Grounds?

Mr. TAGGART. Three years ago.

Mr. THOMPSON. 1910?

Mr. TAGGART. 1910.

Mr. THOMPSON. Go ahead, Mr. Taggart.

Mr. TAGGART. And the proposition was brought up on the floor of business agents and the board of delegates decided that the work was in the possession of the metallic lathers' union. They always supported the metallic lathers

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to maintain that, and the results were that the hoisting engineers and cement workers withdrew their men on the Polo Grounds until the metallic lathers were put on the work.

Mr. THOMPSON. How many delegates were there at that board of business agents?

Mr. TAGGART. I can not remember. I can get the record, but I don't remember exactly. I believe something like 70.

Mr. THOMPSON. Were they present at that time?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What proportion of the membership was represented at that meeting by the organization that now compose the cement league?

Mr. TAGGART. I believe they were all there.

Mr. THOMPSON. How many delegates did they have at that time, if you know?

Mr. TAGGART. Just about the same amount of delegates. The carpenters may have had two or three. I believe they had only four delegates on at that time.

Mr. THOMPSON. How many delegates were structural-iron workers at that convention?

Mr. TAGGART. Two.

Mr. THOMPSON. Of course it is natural that the International union of these various five organizations would support the contentions of their men doing cement work, and they did do that, did they not?

Mr. TAGGART. I believe so. I do not say the national organization does it. The local organization does.

Mr. THOMPSON. The local organization does?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What is the relationship between the local organization or labor unions here and the international, if you know?

Mr. TAGGART. I think everything is peace between us and our national organization, so far as I know. They receive the per capita tax every month.

Mr. THOMPSON. You know they get that?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Upon what grounds did this meeting you spoke of, which was held in New York and adjudicated that work in your favor, or gave you jurisdiction over it—on what grounds did they make their finding; that you were in possession of the work?

Mr. TAGGART. That we were in possession of the work since its inception, and at that time we had an agreement, which we have to-day, covering the work from the employers.

Mr. THOMPSON. What employers?

Mr. TAGGART. Master cement league, master league of cement workers and all independent employers.

Mr. THOMPSON. Is there any agreement with the larger employers' association in that respect?

Mr. TAGGART. The agreement with the master league of cement workers and our organization or wood, wire, and iron lathers and our association covers every member of the employers' association.

Mr. THOMPSON. By the mere fact that you have that original contract?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Prior to the smaller body?

Mr. TAGGART. They are a part of the employers' association, the same as we are a part of the delegates.

Mr. THOMPSON. I understand, but by reason of the fact that you have that contract with the cement league of employers the larger body stands for that contract?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What was the ground or reason upon which the Tampa convention of the building trades of the American Federation of Labor awarded that work to the ironworkers, if you know?

Mr. TAGGART. Well, I couldn't truthfully answer. I did not attend the convention, and I don't know.

Mr. THOMPSON. At the present time, then, there are two decisions in regard to your work—one made by the New York people upon which you operate and another made by the building trades department of the American Federation of Labor, which is supposed to operate here and all over the country.

Mr. TAGGART. That is right.

Mr. THOMPSON. Has the conflict of those two decisions led to any trouble in this city?

Mr. TAGGART. Not outside of the Polo Grounds.

Mr. THOMPSON. Has any trouble arisen over the Tampa decision elsewhere?

Mr. TAGGART. Yes, sir; trouble raised in Jersey—Newark, Jersey City, and the Oranges.

Mr. THOMPSON. Mr. Taggart, are all of the unions in the building trades members of the United Board of Business Agents?

Mr. TAGGART. No, sir.

Mr. THOMPSON. What unions are not?

Mr. TAGGART. The bricklayers are not in there; the bricklayers, masons, and plasterers, their international union nor their local, is not represented. The granite cutters are not in there; the free stone is not in there; what is known as the soft-stone cutter is not in there; the plasterer is not in there.

Mr. THOMPSON. Any other unions?

Mr. TAGGART. None that I can recall.

Mr. THOMPSON. What are the reasons, if you know, why those organizations do not belong to the association of building agents?

Mr. TAGGART. Well, the bricklayers' have never been, with the exception of about a year, in my experience. They have been in the board of delegates a year; that is, along 12 years ago, but the plasterers were suspended from the board of delegates for not living up to a decision handed down by the board in favor of the cement workers.

Mr. THOMPSON. So far as the bricklayers are concerned, their nonjoining is purely voluntary, is it not?

Mr. TAGGART. I believe so.

Mr. THOMPSON. There is nothing in your by-laws or constitution, or the attitude of your organization, to prevent them joining, is there?

Mr. TAGGART. Not that I know of.

Mr. THOMPSON. How about the plumbers?

Mr. TAGGART. The plumbers are not in there at the present time, but we have worked in harmony with the plumbers continually right along. I believe they withdrew their own organization because of some trouble with the steam fitters. The steam fitters sat in the board of delegates for years, and there was no trouble, and there was a decision handed down that took the plumbers out of the board. That was one of the Tampa decisions, too.

Mr. THOMPSON. And the plumbers in following the Tampa decision left the board?

Mr. TAGGART. I believe that was the cause.

Mr. THOMPSON. Nothing so far as your board is concerned.

Mr. TAGGART. I might say that when the council was formed the plumber was entitled to go in there, and he was invited to come there, but they could not agree with the delegate that was to go in there. The man that represents the industry in the council must be the choice of the remainder of the business agents in that craft. The business agents selected the man that represents them in the council.

Mr. THOMPSON. Are there any other organizations that you can think of now that are not members of that council?

Mr. TAGGART. Well, I might state the dock builder; he is not a member of the council.

Mr. THOMPSON. The dock builder?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. That is a special trade?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Not generally allied to the building trades?

Mr. TAGGART. Well, he is not affiliated with the building trades. He works on the buildings—he works there just the same as the rock driller—he drives the piles and foundations over New York.

Mr. THOMPSON. Why is not his organization a member of your council?

Mr. TAGGART. I do not believe he ever made application.

Mr. THOMPSON. There is nothing, so far as your council is concerned, that would keep him out?

Mr. TAGGART. Not in my opinion, there is not.

Mr. THOMPSON. How are disputes adjusted in the United Board of Business Agents?

Mr. TAGGART. The grievance is followed by the business agent who believes he has a grievance, and it is referred to what is known as the grievance committee. The grievance committee consists of five members of the board, elected at the election, to act as the committee on grievances for the board. No man

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whose industry is supposed to be on one side or the other of the question can serve on that board.

Mr. THOMPSON. When you have questions that come up in that board like the settlement of these disputes, naturally the delegates who are in the cement league vote together on any question concerning that particular trade, do they not?

Mr. TAGGART. That particular trade; yes, sir; but not as a whole. I do not think you could get the delegates who are connected with the cement league to vote for some other thing, something for one of the organizations in the league that they did not think was right.

Mr. THOMPSON. But where any question comes up with reference to the league, I mean the organizations in the league, the league itself would probably determine—the unions would—as to what their action would be, would they not?

Mr. TAGGART. I have not known of any case.

Mr. THOMPSON. You have not?

Mr. TAGGART. No, sir.

Mr. THOMPSON. If any matter were coming up before the United Board of Business Agents which involved the work of the members of the cement league, they would go to that meeting, United Board of Business Agents, without any understanding or common agreement as to where they were to stand? What they were to stand for?

Mr. TAGGART. There has never been a case of it that I know of.

Mr. THOMPSON. You are pretty sure of that?

Mr. TAGGART. I am pretty sure of that. I have never entered any conference of that kind, because I always felt that if it was hoisting material, it belonged to the engineers; that if it was cement work it was cement work for the cement people; if it was carpenter work it was for the carpenter people; so no one would have to see me sit on it.

Mr. THOMPSON. What, then, is the purpose for the existence of the cement league, so called?

Mr. TAGGART. The purpose is to have all employers pay the rate of wages and the conditions throughout the 25-mile ratings. This master league of cement workers' board, it was formed to have stopped this trouble on the job.

Mr. THOMPSON. What trouble?

Mr. TAGGART. The trouble that we have had heretofore. Take, for instance, if you were the general contractor, you were going to use your judgment of who you should put on to put in the reinforced concrete work, you are going to use your judgment which engineer you would put on there, whether the portable engineer or the safety engineer, and you are going to use your judgment whether you are going to put on carpenters there or so-called handy men, the same as they use in the subway to-day doing carpenter's work.

Mr. THOMPSON. And also the same thing as to whether the employer wanted to use structural ironworkers in setting their rods?

Mr. TAGGART. There is not any of them using them.

Mr. THOMPSON. But that question would be just the same as the other?

Mr. TAGGART. Correct.

Mr. THOMPSON. And on those matters the trade-union members of the cement league would have a common understanding, would they not?

Mr. TAGGART. They would attend the meeting if any grievance was put in. Take a meeting to-day. One of the members of the employers' association, I believe they have something like 1,100 firms in there, if there is one of those people doing concrete work, the lathing, say, and he has some one on the outside of the members of our organization, I will certainly file a complaint against him.

Mr. THOMPSON. Assuming he is doing cement work, can you file a complaint in the cement league, and they take a certain stand on it? Assuming the other workmen are also union men and are part of this United Board of Business Agents, and they bring that question up before the council.

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. The union members of the cement league would vote together on that proposition, would they not?

Mr. TAGGART. I do not think it would reach the council, because the council in the by-laws has already gone on record in the formation of that council, to abide by all decisions handed down by the plan of arbitration while it was in existence.

Mr. THOMPSON. I do not think you understand what I mean. I evidently did not make myself plain. Assuming an employer was desirous of using some worker in connection with cement work; that the union members did not agree with him, then the engineers would file a complaint?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. That would come up before the cement league?

Mr. TAGGART. Before the trade board.

Mr. THOMPSON. Before the trade board?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Of the cement league?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. The cement league trade board?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Then that cement board would make its findings. Suppose the cement board made a finding that the hoisting engineers, the organization that was allied there, was the one that should be used; assuming for the purposes of the argument that the other engineers are members of the United Board of Business Agents?

Mr. TAGGART. They are.

Mr. THOMPSON. Assuming they should claim that work; they are not members of your cement league, and they want to be heard on that question of jurisdiction. Supposing they brought it up at the United Board of Business Agents, the union representative at that board of business agents who represented the members of the cement league would vote together for the hoisting engineers?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. That is understood?

Mr. TAGGART. It is not understood, but it is a fact. As stated before, I have never attended one conference.

Mr. THOMPSON. But that is the way it always works out?

Mr. TAGGART. That is the way it would go, I believe.

Mr. THOMPSON. You know, don't you, Mr. Taggart?

Mr. TAGGART. Well, I don't know.

Mr. THOMPSON. Have you ever known a case where it did not work that way?

Mr. TAGGART. Where the five trades in the concrete end of it?

Mr. THOMPSON. Where the men that voted together at the cement league voted differently at the trade board?

Mr. TAGGART. If it came up before the cement league it would not go to the board of delegates, for the reason that the employer would be instructed to employ portable hoisting engineers, and if he was not a member of the employers' association the case would never go there. No case gets before the trade board that the employer is not a member of there. We do not attempt to handle a case for some independent. No.

Mr. THOMPSON. But here is another engineers' organization, union organization?

Mr. TAGGART. Yes, sir; there are three in the board.

Mr. THOMPSON. They claim that work in the board of business agents. How would they be heard on this question of jurisdiction?

Mr. TAGGART. It would be referred to the grievance committee.

Mr. THOMPSON. Of what?

Mr. TAGGART. Of the United Board. The committee would take it and decide it; in 99 cases out of 100 it would be decided according to the trade agreement.

Mr. THOMPSON. According to the demand of the cement league?

Mr. TAGGART. No, sir. The trade agreement. They are all working under their agreement.

Mr. THOMPSON. Let me follow this out a little more closely. Assuming this question of jurisdiction came up before the cement league.

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. And you decided in favor of the hoisting engineers.

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Where could the engineers, the other engineers, make their claim of jurisdiction, before what body?

Mr. TAGGART. I think they could make the claim before the United—I should say the Manhattan board of delegates.

Mr. THOMPSON. At their Manhattan board of delegates, they would make their claim?

Mr. TAGGART. Yes, sir.

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Mr. THOMPSON. Would the Manhattan board have jurisdiction of that subject matter?

Mr. TAGGART. The Manhattan board would have jurisdiction—they would accept all complaints and refer them to the committee.

Mr. THOMPSON. I mean, do they have jurisdiction to hear that complaint?

Mr. TAGGART. Yes, sir; they have jurisdiction to hear it.

Mr. THOMPSON. Suppose that the grievance committee of Manhattan, of the Manhattan board, or the Manhattan board itself decided differently from the members of the cement league, decided that the holsting engineers were not entitled to that work, but that the other engineers were, which decision would have force and effect?

Mr. TAGGART. I see what you are getting at. That could be possible that there might be a decision rendered contrary, but there has not been up to date.

Mr. THOMPSON. There has not been up to date?

Mr. TAGGART. No, sir.

Mr. THOMPSON. If there had been, which would have jurisdiction?

Mr. TAGGART. That would be hard to say.

Mr. THOMPSON. It would be hard to say?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. It has not been fought out yet?

Mr. TAGGART. No, sir.

Mr. THOMPSON. But generally at the meeting of the Manhattan board those five members of the cement league voted together and have acted together?

Mr. TAGGART. Not always.

Mr. THOMPSON. I mean on questions involving their jurisdiction?

Mr. TAGGART. Oh, I suppose so; yes.

Mr. THOMPSON. Now, Mr. Taggart, referring to your own trade, what number of your trade are working in the city of New York?

Mr. TAGGART. At the present time?

Mr. THOMPSON. Well, at the present time; yes, sir.

Mr. TAGGART. About half of them.

Mr. THOMPSON. How much of a membership have you here?

Mr. TAGGART. Near 600.

Mr. THOMPSON. Are there any people working in that trade in New York that are not members of your organization?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. About how many, if you know?

Mr. TAGGART. Well, there might be 20 to-day.

Mr. THOMPSON. Twenty?

Mr. TAGGART. Yes, sir; about.

Mr. THOMPSON. That is about the usual number?

Mr. TAGGART. Well, sometimes there are probably 150 working that are not members of our local.

Mr. THOMPSON. The trade agreement you have already spoken of?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. That you have with the master cement layers?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What are the hours per work day and the pay per day in your trade?

Mr. TAGGART. Wages are \$5 a day for journeymen, minimum \$5 and foremen \$5.50. The hours are eight hours a day. Overtime after 5 o'clock till 8 the next morning, holidays and Sundays. Five and a half days a week.

Mr. THOMPSON. Has your union got benefits?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What are they and how are they paid for?

Mr. TAGGART. There is a benevolent fund in the local organization that pays a member \$7 a week if he is hurt on a building. The constitution says 10 weeks, but I have never known a case where it did not run along till he got better. And there is \$215 in case of death goes to the next of kin—\$100 paid by the national organization and \$115 paid by the local organization.

Mr. THOMPSON. Have you got an out-of-work benefit, too?

Mr. TAGGART. No, sir.

Mr. THOMPSON. And no strike benefit?

Mr. TAGGART. No, sir.

Mr. THOMPSON. No strike benefit?

Mr. TAGGART. No, sir.

Mr. THOMPSON. That is not usual, is it?

Mr. TAGGART. No, sir. We have never had it.

Mr. THOMPSON. Never had it?

Mr. TAGGART. No, sir; and never will, I don't think.

Mr. THOMPSON. Did you ever have any strikes here?

Mr. TAGGART. Yes, sir. We have had strikes; as many as any of them, I believe.

Mr. THOMPSON. How do you finance that?

Mr. TAGGART. We do not finance it. If a man is called out on a strike it is up to him to go and get another job.

Mr. THOMPSON. Have you an examination on entrance to your organization?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What does it consist of?

Mr. TAGGART. Consists of an examining board of seven men.

Mr. THOMPSON. Well, if you know, in a general way, what does the examination consist of?

Mr. TAGGART. The regular line of work; just the same as if you were on a building.

Mr. THOMPSON. What is the purpose of the examination?

Mr. TAGGART. To find out if the man is qualified to earn \$5 a day.

Mr. THOMPSON. And no other purpose?

Mr. TAGGART. No, sir.

Mr. THOMPSON. There is no desire to create a monopoly in trade?

Mr. TAGGART. No, sir.

Mr. THOMPSON. What is your entrance fee?

Mr. TAGGART. \$25.

Mr. THOMPSON. Is that ever raised in case of special applicants?

Mr. TAGGART. Well, I believe if a man was expelled there—I don't know if it was ever raised. No, sir; it has not been raised that I know of.

Mr. THOMPSON. So far as you know, it has never been raised?

Mr. TAGGART. There is a provision in the constitution to raise it, but it never has been raised.

Mr. THOMPSON. What is the attitude of your organization toward the admission of aliens and negroes?

Mr. TAGGART. The aliens, they must be American citizens or show their first papers. If a man produces his first papers up there he will be given an examination.

Mr. THOMPSON. How about a negro?

Mr. TAGGART. We have never had an application, although we have four or five locals in the South. I think they have never made application here at all.

Mr. THOMPSON. Is there anything in your by-laws or constitution to prevent it?

Mr. TAGGART. No, sir.

Mr. THOMPSON. In fact, there are members in the southern organization?

Mr. TAGGART. I believe one of our locals here, 308, has two or three. That is what—I don't know whether they are there now or not.

Mr. THOMPSON. Down South there are whole locals of them?

Mr. TAGGART. Yes, sir; several of them.

Mr. THOMPSON. Have you any rules in reference to apprentices?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. What are those rules?

Mr. TAGGART. The apprentice must serve three years. The first year, \$1.50 for the first day he goes to work; \$2 for the second, and \$3 for the third. The employer must pay him from the day he puts him to work up till the time is up, work or play; that is, in the iron furring and laths. There is no apprenticeship for cement at all. The master league of cement workers get no apprenticeship.

Mr. THOMPSON. What is the reason for that?

Mr. TAGGART. I do not think the employer would want him. I don't think he would want to keep him and pay him three years for some of the work he does.

Mr. THOMPSON. Does your union accept transfer cards from members outside of New York?

Mr. TAGGART. Yes, sir; provided they can pass an examination before this board.

Mr. THOMPSON. Is there any special fee charged?

Mr. TAGGART. No, sir.

Mr. THOMPSON. Is there any objection on your union card to working for employers not members of the cement league in this city?

Mr. TAGGART. The majority of employers we are working for to-day are independent; do not belong to organization.

Mr. THOMPSON. Right in this city?

Mr. TAGGART. Right in this city, right at the present day.

Mr. THOMPSON. Assuming that a cement work contractor from outside the city of New York should come into the city of New York to erect cement work and to bring with him cement workers who are not members of any organizations that are part of the cement league, would the other union bodies in New York strike the job?

Mr. TAGGART. Well, I couldn't tell you, but I would try to have them do it.

Mr. THOMPSON. You would try to have them do it?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. Has that ever occurred here?

Mr. TAGGART. Yes; it occurred over on a job in Englewood, N. J.

Mr. THOMPSON. What happened there?

Mr. TAGGART. Our men was put to work.

Mr. THOMPSON. The other union struck the job?

Mr. TAGGART. No; I can not say that they did. I seen the employer and I told him and showed him what the conditions were here in this locality, and he agreed to put our men on.

Mr. THOMPSON. Is there a sort of an understanding among the various building trades unions here, that in case that is done there would be trouble on the work?

Mr. TAGGART. No, sir; every grievance takes care of itself when it is put in.

Mr. THOMPSON. Do you believe there would be?

Mr. TAGGART. I would try to have it.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions?

Commissioner BALLARD. I would like to ask a question.

In speaking about your union, if you were working on a job and a nonunion man came to go to work on that job, would he be allowed to work?

Mr. TAGGART. In some cases they do.

Commissioner BALLARD. But not if you could prevent it?

Mr. TAGGART. Well, the members of the organization, if they were on the job, would retire and let them have the whole job.

Commissioner BALLARD. You would strike before you would let a nonunion man work with you?

Mr. TAGGART. If we couldn't get them to join the union; yes, sir.

Commissioner BALLARD. You say you have no strike benefits. If such a case should arise that a man got on a strike, you say you have no strike benefit, what they would have to do would be to get work elsewhere in some other place? Would they then take any kind of work they could get?

Mr. TAGGART. No, sir.

Commissioner BALLARD. What kind of work would they take?

Mr. TAGGART. Metallic lathing.

Commissioner BALLARD. Supposing there was no work of that kind?

Mr. TAGGART. They would have to be idle. We have three or four hundred walking on the streets to-day, probably that number.

Commissioner BALLARD. They are not trying to do any other kind of work?

Mr. TAGGART. They have not up to the present day.

Commissioner BALLARD. You mean that your men, when they are not doing anything at their trade they won't do anything else?

Mr. TAGGART. They have not, because it won't be possible. They are carrying one card. If they were a member of another union they would go to work at that job if they could get a good one.

Commissioner BALLARD. Are there no factories or street cars or work of any kind that a man could do if he does not hold a card in the organization?

Mr. TAGGART. I believe there is work here in the city, but they do not look for it.

Commissioner BALLARD. They do nothing else?

Mr. TAGGART. That is right. That is why they make such a fight against someone else getting part of the work.

Commissioner BALLARD. In placing this reinforcing in the concrete work, does the architect or contractor, or anybody have a man there to see that it is done right, and to show the men how to do it?

Mr. TAGGART. In the majority of cases; yes, sir.

Commissioner BALLARD. If they get to a point where they wanted some reinforcing done, they couldn't have anybody there put it in, but they must have a union member to do it?

Mr. TAGGART. They always have a man there; we always have a foreman on the job.

Commissioner BALLARD. There is no delay, then?

Mr. TAGGART. No, sir.

Commissioner BALLARD. In waiting for a man to show them how to do it?

Mr. TAGGART. No, sir.

Commissioner BALLARD. That is all, Mr. Chairman.

Commissioner LENNON. Mr. Taggart, suppose a nonunion man come on to the job and he says to the boss that he will join the union when he gets some money, would you strike him off?

Mr. TAGGART. No, sir; not if he is a practical man. It is not money we are looking for; we are looking for men who can earn \$5 a day. That is where we have difficulty at times when we are rushed—in getting men that the employer is satisfied with without working us into trouble.

Commissioner LENNON. If men come to this city from towns with International cards you make no opposition to their going to work, do you?

Mr. TAGGART. No, sir.

Commissioner LENNON. That is all.

Mr. TAGGART. I would like to make it clear that a member of the International organization who has ever been a member of our local, whether before we went into the international or while we were out, or at the present time, never is put on a second examination at all. There is just one examination for a man, and that examination is not closed. Any employer or man who is dissatisfied with something that he thinks is getting pulled off is welcome to go up there and look at the examination.

Commissioner LENNON. I do want to ask another question because of other evidence that has come before us. Do you know of any conspiracy—I don't know if that word was used in the evidence before, but something was used that means that—any conspiracy between the unions in the city of New York and a part or all of the contractors to put a fence around New York and let nobody else come in and get work or do work?

Mr. TAGGART. The statement is absolutely false.

Commissioner LENNON. You have never seen any evidence of anything of that kind?

Mr. TAGGART. I have never known of a case. Here is one of the greatest jobs in the city here was put up by an outside concern; there was no interference; I mean the Express Building down there. Hammerstein has just finished a heater up on Fifty-first Street; Wanamaker's store at Ninth Street. They are all out-of-town contractors. Steward Co., of Chicago, has come in and taken over or three buildings. He has not been interfered with. He can not show any conspiracy.

Commissioner LENNON. All right.

Mr. TAGGART. I want to state that statement is absolutely false, and the man who made it can not prove it.

Chairman WALSH. That is all, Mr. Taggart. Thank you.

TESTIMONY OF MR. C. F. MASSEY.

Mr. THOMPSON. Will you give us your name, address, and occupation?

Mr. MASSEY. C. F. Massey; 1441 Minford Place; occupation, housesmith.

Mr. THOMPSON. What are you—organizer?

Mr. MASSEY. Organizer of the International Association of Bridge and Structural Iron Workers.

Mr. THOMPSON. Are you located here in New York?

Mr. MASSEY. Yes, sir.

Mr. THOMPSON. How long have you been located here on that work?

Mr. MASSEY. One year, practically—11 months.

Mr. THOMPSON. Have you been aware of conditions in New York before that time in your trade?

Mr. MASSEY. I have been representing the organization as local business agent previously.

Mr. THOMPSON. For how many years?

Mr. MASSEY. About three years, off and on.

Mr. THOMPSON. Are you acquainted with the jurisdictional disputes between your organization and the metal lathers?

Mr. MASSEY. Yes, sir; thoroughly.

Mr. THOMPSON. Why do the ironworkers claim the placing of rods in reinforced concrete work?

Mr. MASSEY. The ironworker has always claimed the right to install steel and reinforced concrete, because it was no more and no less than a structure in itself, and the structural iron organization could never see any difference in that than any other part of the structure.

Mr. THOMPSON. Did you hear what Mr. Taggart said in reference to the fact that his organization had done that work in New York for years previous to the Tampa decision?

Mr. MASSEY. I did.

Mr. THOMPSON. Is that true or not?

Mr. MASSEY. In order to get that plain we would have to go back to the beginning. The ironworkers—I can recall being a member of the association in this town previous to the formation of the wire lathers' union. The present business agent, the union agent of the lathers, Mr. Taggart, was a member of our association.

Mr. THOMPSON. What was that association then?

Mr. MASSEY. Bridge and structural ironworkers.

Mr. THOMPSON. The same organization you have now?

Mr. MASSEY. Exactly. I stated that the present representative of the wire lathers was a member of that union, and there was considerable difficulty in arranging things satisfactorily to everybody, and the result was that we awarded, or, rather, gave to the lathers a charter under the jurisdiction of our organization.

Mr. THOMPSON. As a local?

Mr. MASSEY. As a local; subcharter; yes, sir; in the city of New York under the jurisdiction of the local No. 2 of the housemiths and bridgemen's union. The question of jurisdiction did not arise. Under the working conditions arranged for in that subcharter by that organization both organizations had the right to work on any class of ironwork that went up in the city of New York; but the question of jurisdiction did not come up at that time. We worked along harmoniously under those conditions in New York until 1905. After the installation of the sublocal of lathers, Taggart was their business agent. I was representing the structural ironworkers. We worked along under conditions when it started. The wire lather worked the beam work, the driving of rivets, or stair work, if he agreed to it, or vice versa. The question of a decision had never been rendered to my knowledge—we were never represented in the arbitration of that class of work in the city of New York to my knowledge. Up until 1905 we risked the striking of a job against Turner Construction Co., on Bank Street, in New York, where they were installing the work with nonunion labor. Wire lathers had been fighting this company for a number of years, and were unable to do anything with them. I pulled the ironworkers off of the job this company was doing, and incidentally we went before the board of carpenters—executive board—and placed my grievance, and the carpenters withdrew all carpenters working for the Turner Construction Co. to compel them to put on structural ironworkers on that work.

Naturally, the Turner Construction Co. was sore on account of the strike, and they immediately sent for a representative of the wire lathers and signed an agreement with them, and that was in order to prevent doing business, I presume, with the people I represented and cause them trouble. That was the beginning of the trouble, although the question was asked me why I broke. Well, Delegate Taggart was that kind of a man—I did not consider it fair—and he asked me whether I had any objections to his men working at reinforced concrete. I told him I had not up to that time; I had never known of wire lathers working on reinforced concrete. While the conditions were different 99 per cent was inclosed by members of our association, with no objection from the representatives of the lathers' union at that time. This job on Bank Street that I referred to was entirely manned by members of the No. 2 structural ironworkers.

Mr. THOMPSON. How long ago was that?

Mr. MASSEY. That was about 1905. Up until August 12, when the fight started with the American Bridge Co., August 5, conditions were in harmony; we worked in harmony with the lathers up to that time—1905, the beginning of 1905 or early in 1906. I went off the road as actually representing the organiza-

tion and was off some five or six years, and during that time the organizations had split and, in some way I know nothing about, the wire lather was able to get an agreement with the employers' association of New York.

Mr. THOMPSON. That split, then, came about between the two parties as the result of the strike of your organization against the American Bridge Co., didn't it?

Mr. MASSEY. Yes, sir.

Mr. THOMPSON. That one that you referred to?

Mr. MASSEY. Yes, sir. That was the beginning of our trouble with the employers' association.

Mr. THOMPSON. That started out of the case of Post & McCord?

Mr. MASSEY. No, sir; the American Bridge Co. in New Haven.

Mr. THOMPSON. And it came into New York City in the Post-McCord fight?

Mr. MASSEY. Possibly; three months later. If you would care to have me go into that, I will go into it.

Mr. THOMPSON. No; you need not do it. I want to take up a few particular matters.

Mr. MASSEY. Our organization since that time has never been, as I said before, affiliated with the arbitration plan, and it has never been in any position to protest against anything that may be installed in the trade agreements for the other trades. There is not any organization that deals in, works on, metal that has not taken up matters of that condition, where the lather, elevator constructor, sheet-metal constructor, and practically all of them—

Mr. THOMPSON. In other words, what you say, if I understand you right, is that all the other unions dealing in metal have taken advantage of the fact that you have not any agreement in your trade?

Mr. MASSEY. No, sir.

Mr. THOMPSON. What is the difference in wages paid to the ironworkers and to the metal lathers?

Mr. MASSEY. None at the present time.

Mr. THOMPSON. None?

Mr. MASSEY. No, sir.

Mr. THOMPSON. Do you know any special reason, other than what you have stated, why the employers favor the lathers over your union?

Mr. MASSEY. Well, yes; I do; but it is hearsay—that is, it is information I have obtained from the employers themselves.

Mr. THOMPSON. What is it?

Mr. MASSEY. I have been advised by a great number of employers in the city of New York who are independent, who would prefer to employ members of our association on that class of work, because they believe it rightfully belongs to us and never could understand how the wire lathers obtained the contract, but, of course, hear of the striking of their work through those so-called concrete alliance people, consisting of the carpenters, cement workers, masons, lathers, and helpers.

Mr. THOMPSON. That is, the cement league?

Mr. MASSEY. Yes, sir.

Mr. THOMPSON. Do or do not those people work closer together in questions affecting the trade?

Mr. MASSEY. In questions of jurisdiction along those lines they work as one.

Mr. THOMPSON. Have the ironworkers ever lost a job in New York City as a result of that?

Mr. MASSEY. Lost the Polo Grounds.

Mr. THOMPSON. What?

Mr. MASSEY. We had possession of the Polo Grounds, I believe; in the neighborhood of 60 of our men working there when those trades mentioned struck the job, compelled the company to place members of the wire lathers' association on the work.

Mr. THOMPSON. Do you know of any instance where outside contractors have been discriminated against by the cement league?

Mr. MASSEY. I know of a job at Ninety-sixth Street and North River—a company from Albany came down here and brought a foreman, a member of our association from Albany, and employed members of our association from New York—at least he engaged them; whether they put them actually on the work or not I don't know; but the representative of that company informed me that the representative of the engineers, carpenters, etc., alliance informed him that if he did not put on lathers that their work would be immediately tied up.

Mr. THOMPSON. What is the reason, if you know, for the absence of an agreement between the ironworkers and the employers in this city?

Mr. MASSEY. The real reason, I believe, lies in the fact that the United States Steel Corporation—Mr. Corey—at one time stated, in conference with a committee representing our organization, that the policy of the United States Steel Corporation was open shop, and to anybody who knows conditions knows that the open shop in their eyes means closed shop against unions.

Mr. THOMPSON. Well, but the employers have an agreement with the metal lathers?

Mr. MASSEY. Correct. But the United States Steel Corporation does not come directly connected with the other trades like it does ours. Neither does the structural-iron workers.

Mr. THOMPSON. How does the United States Steel Corporation exercise or exert influence on the employers of New York City?

Mr. MASSEY. Well, it is more knowledge that I have obtained from contractors. I have been informed by a number of contractors in the city of New York, and I have been in their offices talking with them over conditions, and even they went as far as to make the statement that if Frank McCord knew I was in there talking to them he would put them out of business. Some very large contractors fear to do business with our organization because of what the United States Steel Corporation may do to them in restricting the deliveries, etc.

Mr. THOMPSON. You got the information upon which you base the claim that the United States Steel Corporation control this situation?

Mr. MASSEY. Why, it is general knowledge among the contractors in the city of New York.

Mr. THOMPSON. Could you direct this commission toward any place where evidence can be acquired more definitely in reference to this situation?

Mr. MASSEY. I do not believe I could. I believe anybody who had given me this information would deny ever giving it if they thought it would become public.

Mr. THOMPSON. Who in the United States Steel Corporation has charge of such matters, if you know?

Mr. MASSEY. Well, I don't know that now; we have not had any—Laughlin and people we used to do business with—Laughlin is dead, and the people who handled them before with the American Steel Co. are not the people who handle them to-day. But going back to the conference held with Corey and others in 1906 or 1905, they very plainly told us that that was their policy; that our organization—that was, they went as far as to say the fact that our organization had an agreement with the American Bridge Co. in the past that they would wink at their policy and continue their agreement under the conditions that we could not accept.

Mr. THOMPSON. Do you think the United States Steel Corporation would refuse to sell steel to a contractor who made an agreement with you?

Mr. MASSEY. No, sir; I do not.

Mr. THOMPSON. Do you think they would furnish steel?

Mr. MASSEY. I think they would furnish steel, certainly.

Mr. THOMPSON. How would they reach him?

Mr. MASSEY. Well, I know of a very large contractor who is a general contractor; he asked the American Bridge Co. for the lowest price on a large tonnage job and they quoted a price to him, and this man was known to be fair to our organization. They quoted the prices, but it was supposed to be the lowest price they would quote, and they quoted a much lower price to another concern who was a large competitor of theirs, but a firm who was unfair to our organization.

Mr. THOMPSON. Where would we get that?

Mr. MASSEY. I would again have to give you the name of the man who gave it to me in confidence—a general contractor.

Mr. THOMPSON. You say a very well-known firm in New York—nine-tenths of the people in the industry—know of this situation? Do you know anything more definitely known among them—some avenue of approach to that situation that we could follow up?

Mr. MASSEY. No, sir; I don't think so.

Mr. THOMPSON. You don't think so?

Mr. MASSEY. No, sir.

Commissioner BALLARD. You say the United States Steel Corporation is unfriendly toward your union, or the structural-iron workers. Why are they so unfriendly to the structural-iron workers?

Mr. MASSEY. Unfriendly to all unions. There is not a union in the country to-day that the United States Steel Corporation, take them all the way down, on the Lakes and in the mills, and bricklayers had their unions and previously existed, previous to the formation of the United States Steel Corporation as it exists to-day.

Commissioner BALLARD. Are not nearly all the building contractors in New York—don't they all use union labor, nearly?

Mr. MASSEY. Yes, sir; generally speaking, they always use union labor.

Commissioner BALLARD. Doesn't the United States Steel Corporation sell to all contractors in New York who want steel?

Mr. MASSEY. Yes, sir; but understand we have no agreement with any union contractor in the city of New York, independent or otherwise.

Commissioner BALLARD. You mean that the United States Steel Corporation understands that a contractor, if he is going to have any work done by your structural ironworkers' union, he will charge them more than to some contractor who has the work done by some other union?

Mr. MASSEY. I am only giving that—

Commissioner BALLARD. That is the way it seems?

Mr. MASSEY. Yes, sir.

Commissioner BALLARD. Therefore, the United States Steel Corporation does not discriminate against unions, but only discriminates against your union?

Mr. MASSEY. Yes, sir.

Commissioner BALLARD. I want to know why it is that the United States Steel Corporation has it in for your particular union?

Mr. MASSEY. Because we are the one organization that they employ directly.

Commissioner BALLARD. Do they employ your organization in their plants?

Mr. MASSEY. No, sir; the plants are union with the exception of a very few.

Commissioner BALLARD. I thought you said you are the organization?

Mr. MASSEY. We are the organization that the United States Steel Corporation, through their subsidiary company, the American Bridge Co., are directly interested in. The American Bridge Co. employs members of the bridge and structural ironworkers all over the United States.

Commissioner BALLARD. Your union?

Mr. MASSEY. No, sir; none of our union.

Commissioner BALLARD. Then they want that company to get the business, is that the idea?

Mr. MASSEY. I beg your pardon?

Commissioner BALLARD. Then they want that company to get all the business?

Mr. MASSEY. That is only natural. It is one company.

Commissioner BALLARD. That would be your inference, then, that they give that company the preference, on the part of their organization?

Mr. MASSEY. The American Bridge Co. is the United States Steel Co.

Commissioner BALLARD. Then they want that company to get all the business?

Mr. MASSEY. Yes, sir; naturally.

Commissioner BALLARD. That is what I mean.

Mr. MASSEY. At the time we struck for \$5.50 a day, no, for \$5 a day in the city of New York, in the beginning of 1900, I had the promise of a number of the biggest contractors in the city of New York to sign that agreement. On Saturday afternoon I was told by everyone, with no exception, that they were afraid to enter into an agreement with us.

Commissioner BALLARD. It so happens that you think the contractors are unfriendly to your union?

Mr. MASSEY. They certainly are.

Commissioner BALLARD. Also that the other unions are?

Mr. MASSEY. I would not go that far.

Commissioner BALLARD. The cement union is?

Mr. MASSEY. That is self-preservation.

Commissioner BALLARD. They are unfriendly?

Mr. MASSEY. Possibly only when it comes to a dispute between us and the others; then they are.

Commissioner BALLARD. They work with you and strike—would strike if you want them to?

Mr. MASSEY. Possibly. I have never asked them.

Commissioner BALLARD. But in the quarrels between you and the lathers they have been unfriendly to you?

Mr. MASSEY. They simply lived up to the agreement they have entered into with us.

Commissioner BALLARD. That is all.

Chairman WALSH. Any other questions?

That is all; thank you.

Mr. THOMPSON. Mr. Taggart would like to take the stand again.

Chairman WALSH. Have you some statement to make growing out of the evidence you have heretofore given?

Mr. TAGGART. Yes, sir.

Chairman WALSH. Very good. Make it as brief as possible.

Mr. TAGGART. I would like to refute the statements just made.

Chairman WALSH. It is not growing out of your own testimony?

Mr. TAGGART. No; it is growing out of the statements he has made.

Chairman WALSH. We will have to ask you to excuse us; we can not do that.

Mr. TAGGART. At some other time will I have a chance to refute those statements? The statements are not correct. It is putting us down as strike breakers.

TESTIMONY OF MR. C. FREUDENTHAL.

Mr. THOMPSON. Give us your name, address, and your business.

Mr. FREUDENTHAL. Secretary of Steel & Masonry Construction Co., 233 Broadway.

Mr. THOMPSON. Mr. Freudenthal, was your company engaged in the erection of the Polo Grounds—in the cement work at the Polo Grounds—in 1910?

Mr. FREUDENTHAL. Yes.

Mr. THOMPSON. Who did they first engage to set the steel rods and the cement work—what organization of workmen?

Mr. FREUDENTHAL. Structural ironworkers.

Mr. THOMPSON. Why did you engage that union there?

Mr. FREUDENTHAL. They were already on the job, putting up the steel—that is, the larger steel—and just a natural inference that they would go right ahead and put in the reinforcement.

Mr. THOMPSON. Were you stopped on that work?

Mr. FREUDENTHAL. Yes.

Mr. THOMPSON. Who stopped you?

Mr. FREUDENTHAL. The metal lathers called a general strike.

Mr. THOMPSON. Who went on a strike?

Mr. FREUDENTHAL. The carpenters, who were employed by another contractor or subcontractor up there, and the hoisting engineers, and the cement workers.

Mr. THOMPSON. And the cement workers?

Mr. FREUDENTHAL. Yes.

Mr. THOMPSON. How was that strike adjusted?

Mr. FREUDENTHAL. I believe influence was brought to bear upon the National Exhibition Co., who were the owners of the Polo Ground, to have the metal lathers do the work rather than to hold up; it didn't make any difference to us which one did it.

Mr. THOMPSON. So then you changed your work, did you—the men who were doing the work?

Mr. FREUDENTHAL. We had to.

Mr. THOMPSON. And put in the metal lathers?

Mr. FREUDENTHAL. We had to. It was a big job—was a rush job—and the owners asked us to do that.

Mr. THOMPSON. You did it at the instance of the owners?

Mr. FREUDENTHAL. Yes.

Mr. THOMPSON. Was there any hearing on that matter by the trade that you know of?

Mr. FREUDENTHAL. Well, I couldn't say as to that.

Mr. THOMPSON. Is that all you know of the existence of a cement league—that you have mentioned?

Mr. FREUDENTHAL. That is all.

Mr. THOMPSON. You have had no experience with that since?

Mr. FREUDENTHAL. No; we did not.

Mr. THOMPSON. What reason, if you know, did the metal lathers give for claiming that work?

Mr. FREUDENTHAL. They just simply claimed it was their work—it was reinforcement of concrete.

Mr. THOMPSON. Have you any information with reference to a method of settling jurisdictional disputes?

Mr. FREUDENTHAL. Yes; I think it would be a very good thing if there were some way of settling a dispute among the various labor organizations and the employers or, in fact, anyone that was in, as the general contractor or the sub-contractor, so that it won't hold up the work.

Mr. THOMPSON. Were you held up in that work at all?

Mr. FREUDENTHAL. Yes.

Mr. THOMPSON. For how long?

Mr. FREUDENTHAL. Ten day or two weeks; something like that.

Mr. THOMPSON. What was the cost, if you know?

Mr. FREUDENTHAL. I couldn't state the exact figures, because it was a percentage job—that is, if we spend a dollar we get a certain percentage profit. The National Exhibition Co. were the owners and suffered the loss.

Mr. THOMPSON. How much did they suffer?

Mr. FREUDENTHAL. I couldn't say.

Mr. THOMPSON. A thousand dollars?

Mr. FREUDENTHAL. Oh, yes.

Mr. THOMPSON. You haven't any general idea?

Mr. FREUDENTHAL. Why, so far as we are concerned—then, about probably \$2,000 on the latter bill; but what their loss was in time, delay on the work, that I couldn't say.

Mr. THOMPSON. Are you acquainted with the work at all of the arbitration plan in New York City for the settlement of jurisdictional disputes?

Mr. FREUDENTHAL. No, sir.

Mr. THOMPSON. Do you do work elsewhere than here?

Mr. FREUDENTHAL. Yes.

Mr. THOMPSON. Do you have less jurisdictional trouble here than elsewhere?

Mr. FREUDENTHAL. No. We don't get into any jurisdictional disputes. We practically don't have much to say in jurisdictional disputes. Two unions get to fighting, and we stop until they get through fighting.

Mr. THOMPSON. Where do they fight the most, here or elsewhere?

Mr. FREUDENTHAL. Well, our work appears most in the city, and out in the country they are not interested or influenced by any labor organization much.

Mr. THOMPSON. Do you work in Chicago, St. Louis, or Kansas City?

Mr. FREUDENTHAL. No. For instance, we have a job in Havana—several jobs. We have a job in Essex Junction, Vt. Outside of the big cities we are not bothered much with it.

Mr. THOMPSON. Well, you have not experienced much trouble with jurisdictional matters outside of New York City?

Mr. FREUDENTHAL. No.

Mr. THOMPSON. From your experience as a builder, do you think jurisdictional matters could be settled better by a national body than by local ones?

Mr. FREUDENTHAL. Why, that is a question whether it could be settled satisfactorily to the contractor and to the union without causing delay on the work; that is the main thing.

Mr. THOMPSON. Anything which would terminate delay would be what you are after, of course?

Mr. FREUDENTHAL. Yes.

Mr. THOMPSON. Have you any opinion as to whether that delay can be lessened by a national body or by a local body in each of the different cities?

Mr. FREUDENTHAL. No; I don't see myself how it could be.

Mr. THOMPSON. How it could be what?

Mr. FREUDENTHAL. How it could be avoided—delay on the work be avoided—by anybody.

Mr. THOMPSON. You think a local body is better fitted to handle jurisdictional disputes than a national body?

Mr. FREUDENTHAL. No.

Mr. THOMPSON. Do you think a national body would be better?

Mr. FREUDENTHAL. No; I don't think either one of them is better than the other. It all simmers down to the same point—the contractor is delayed while these disputes are going on.

Mr. THOMPSON. Most all of these jurisdictional disputes are generally carried across the country by the different international unions, are they not?

Mr. FREUDENTHAL. I don't know.

Mr. THOMPSON. You don't know?

Mr. FREUDENTHAL. No.

Mr. THOMPSON. That is all I have to ask this witness.

Chairman WALSH. Any questions?

Commissioner BALLARD. I would like to ask a question. You say you have more trouble in New York in regard to these jurisdictional disputes than elsewhere?

Mr. FREUDENTHAL. Yes; I say that is due to having mostly union labor in New York. In fact, it is nearly all union.

Commissioner BALLARD. When you work elsewhere you do not pay so much attention to the union—whether they are union men or not?

Mr. FREUDENTHAL. Yes; any man who comes along, if he can do the work and do it satisfactorily to the superintendent, it doesn't matter, he gets a job.

Commissioner BALLARD. In which place can you get work done quicker, better, and cheaper?

Mr. FREUDENTHAL. That is a question. The work varies so—conditions vary so.

Commissioner BALLARD. Ordinarily, you prefer to deal with union labor?

Mr. FREUDENTHAL. Yes; we prefer to employ union labor.

Commissioner BALLARD. Because it would be more convenient and more satisfactory?

Mr. FREUDENTHAL. Yes.

Commissioner BALLARD. This question of the cement league seems to be rather a complicated question. They seem to favor the metal lathers as against the structural ironworkers. Do you know why that is?

Mr. FREUDENTHAL. No; I don't know exactly why it is; but the effect is that there are more unions affiliated with them than there are with the ironworkers.

Commissioner BALLARD. There are?

Mr. FREUDENTHAL. Yes.

Commissioner BALLARD. Which would you rather work with?

Mr. FREUDENTHAL. It is optional with the contractor.

Commissioner BALLARD. There is nothing in the structural ironworkers to make the members prefer them to the other unions?

Mr. FREUDENTHAL. No.

Chairman WALSH. Is that all? Thank you, Mr. Freudenthal. Call your next witness.

TESTIMONY OF MR. JOHN R. ALPINE.

Mr. THOMPSON. What is your name, your address, and your occupation?

Mr. ALPINE. My name is John R. Alpine; I am general president of the United Association of Plumbers and Steam Fitters of the United States and Canada; general offices at Chicago; branch office in this city.

Mr. THOMPSON. That is the new get-together organization, is it?

Mr. ALPINE. That is the title of the amalgamated organization.

Mr. THOMPSON. Now, Mr. Alpine, you know there are a great many jurisdictional disputes between the steam fitters and the plumbers all over this country, are there not?

Mr. ALPINE. A great many; yes, sir.

Mr. THOMPSON. In New York as well as elsewhere?

Mr. ALPINE. Quite so.

Mr. THOMPSON. What was the cause of that struggle; how did it grow to be?

Mr. ALPINE. Well, the cause of the trouble was because of the fact that there were two organizations, each performing the same class of work and recognized by the American labor movement as being empowered to perform such work. That was one cause.

Mr. THOMPSON. Originally, in the early days, Mr. Alpine, the plumbers ran lead pipe principally, did they not, and the steam fitters ran the iron pipe?

Mr. ALPINE. Well, that is true more particularly of the early days than of recent days. The march of time and progress and evolution in the building industry as it refers to the pipe-fitting trades has brought about a condition where there is a far lesser degree of lead inserted to-day in plumbing than previously, and I presume that perhaps that fact has had something to do with jurisdictional disputes between the plumber and steam fitter.

Mr. THOMPSON. But it is not the sole cause?

Mr. ALPINE. It was not the sole cause.

Mr. THOMPSON. Originally did the jurisdiction which the plumbers had and the jurisdiction which the steam fitters had overlap a trifle?

Mr. ALPINE. Yes.

Mr. THOMPSON. They did?

Mr. ALPINE. Yes.

Mr. THOMPSON. What was the duration of the jurisdictional disputes between the steam fitters and plumbers and what extent of country did it cover?

Mr. ALPINE. Well, prior to the year 1889 there existed an international labor organization which comprised in its ranks plumbers, steam fitters, and gas fitters, which was known as the International Association; that was the title. In 1889 that association became known as the United Association, which is the association of to-day. And at a convention held in Washington, D. C., in October of 1889 the steam fitters became disassociated with the general organization and instituted an organization of their own; so that you could say that, whole prior to 1889 there had always existed differences of opinion with regard to working lines or demarcation lines, that after 1889 those differences became more pronounced because of the fact the two organizations were then in existence. From that time until—well, until a year ago, those jurisdictional strifes existed throughout the country.

Mr. THOMPSON. For a great many years?

Mr. ALPINE. Since 1889, and, as I say, prior to that, but more pronounced since that time.

Chairman WALSH. At this point the commission will stand adjourned until 2 o'clock this afternoon. We will meet at 2 o'clock in the council chamber, upstairs.

(And thereupon, at 12:30 o'clock of Wednesday, May 27, 1911, a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

Chairman WALSH. The commission will please come to order. Call your first witness.

Mr. THOMPSON. Mr. Alpine.

TESTIMONY OF MR. JOHN R. ALPINE—Continued.

Mr. THOMPSON. Mr. Alpine, I believe this morning you had stated something about the evolution of the plumbers and steam fitters' union and the evolution of the industry which has helped lead to the jurisdictional strife. You had not reached the point of where the unions have lately come together, as I believe they have. What negotiations were had between the two organizations that led to the amalgamation?

Mr. ALPINE. May I be permitted to tell that in my own way or by merely answering?

Mr. THOMPSON. Tell it in your own way, Mr. Alpine.

Mr. ALPINE. I have explained, and I assume the commission understands, that this particular jurisdictional dispute was quite generally recognized as being the most aggravated of all the jurisdictional disputes in the building industry. I mean by that that it occupied more time of the American labor movement, in convention and in other deliberations, and was resultant in more industrial disturbances than any other of the several jurisdictional controversies. It passed through all the various channels of labor movements until it reached the Atlantic convention of the American Federation of Labor in 1911. That convention determined that there should henceforth be but one organization of kindred trades or trades that might be regarded as dual in their nature. And at the Rochester convention of the American Federation of Labor, held one year later, that convention on roll call voted to revoke the charter of the international steam fitters which was regarded as dual in its nature to the United Association, the cause for that revocation being that the international steam fitters had failed to carry out the instructions of the convention preceding, or the Atlanta convention.

The difference, or the chief difference, prevailing between the steam fitters of one and the steam fitters of the other—and you understand that the United Association, while the controversy has been largely known as a controversy between plumbers and steam fitters, as a matter of fact the steam fitters prevail in both organizations—the difference being that one had only steam fitters and steam fitters' helpers in its ranks, while the other had plumbers, gas fitters, and steam fitters, as well as other branches of the pipe family, the chief trouble being jurisdiction of work, or where one overlapped the other. We found that

the question of settling that line of trade demarcation was not as serious as it appeared on its face. Almost immediately following the close of the Rochester convention, which convention declared for revocation of the charter of the steam fitters of the International association, local unions that were a part of that international association began to make overtures for admission into the United Association of Plumbers and Steam Fitters, the first city being Cincinnati, Ohio; and that amalgamation in that city was consummated. Then followed Milwaukee, St. Louis, Chicago, Kansas City, Philadelphia, Washington, Baltimore, and numerous other cities of lesser industrial proportions. I would like to tell the commission how that was done if I may.

Mr. THOMPSON. Yes; I would like to ask that question. How would the union make the overture; how was it addressed, to the international organization or the locals of the respective cities, or in what manner was that carried out?

Mr. ALPINE. The overtures were made to the international office, declaring that they were willing and ready to enter into negotiations—and since the question of trade jurisdiction was the all-important question the details of their admission were easily arranged—we adopted this plan to bring about an understanding as to their trade lines. Committees were secured from the plumbers' local unions and the steam fitters' local unions. If there were other local unions in that city—for instance, if there was a gas fitters' local or a sprinkler fitters' local—committees were also created from them or through those local unions. They sat down at tables and determined between themselves just what their work consisted of. The international officers did not at any time, except in one instance, that being the instance of settlement here, to do with the disposition of the trade jurisdictional lines, or, in other words, we felt that the plumber himself was the better qualified to determine what was his work and we felt that the steam fitter, the man who worked with his hands, was better qualified to determine his work as well. And we permitted that to be done without any interference on our part. We were agreeably surprised how readily they settled a dispute that had been existing for a matter of over 15 years. And in no case did we have any trouble in determining upon these trade lines. The city of Chicago, where perhaps the contest had been more pronounced than in any other city, gave us reason to think that there we would have a considerable amount of difficulty fixing the lines of trade jurisdiction, but we were agreeably surprised there, and in a matter of 10 days, or thereabouts, they disposed of it there. And we have adopted that practice everywhere in all the settlements made except here.

Mr. THOMPSON. Now, Mr. Alpine, what is your reason or what opinion have you, from the fact that when there are two international unions existing or were existing they could not get together themselves during the 15 years of warfare, during which buildings were tied up, money was lost to the public, and several lives were also lost; is not that correct?

Mr. ALPINE. I am not willing to—

Mr. THOMPSON. I will withdraw that question.

Mr. ALPINE. I will be glad to answer it.

Mr. THOMPSON. We will leave that out of the question—it might involve another proposition—but for 15 years these two international unions apparently were not able to get together; but then, apparently with only the moral force of the American Federation, they decided that they could get together—it has only required the charter of one international union to be revoked that they got together—and that when the men were permitted to meet each other they got together, as you say, in very quick order and settled their troubles between themselves. Why was it that this struggle existed for so many years, in your opinion?

Mr. ALPINE. The very reason for that was because there were two organizations, each performing the same kind of work. I can illustrate that a little better, if you will. Let us take New York City. The steam-heating contractor in New York, where the international steam fitters held sway, did not confine his operations to New York alone, but, being a contractor of note and importance, did work in other localities. He would secure a contract—for convenience sake we may take some city in New Jersey, near by.

Now, the steam fitters of the I. A. were in control here, but that general contractor found himself with a contract on his hands in a locality where a different state of affairs prevailed, where the United Association was in control.

Now, the steam fitters of the United Association working in that town, or perhaps being out of work at that time, naturally resented the advent of the

New York steam fitters into their locality, since they were not carrying the same sort of a union card. And the result was that one union man struck against the other. There never was a time when we maintained or proclaimed that the steam fitters of the I. A. were not equally as good union men as any other form of steam fitters, but it was a question of affiliation. Now, as soon as the charter was revoked, then after they came into one body they carried the universal card and there was no longer objection.

Mr. THOMPSON. In other words, Mr. Alpine, the existence of two international unions covering the same industry created two hostile camps?

Mr. ALPINE. Precisely.

Mr. THOMPSON. The very existence of that?

Mr. ALPINE. Precisely.

Mr. THOMPSON. But when what you might call the national or international lines were broken down the men as human beings got together with each other they had in their respective organizations—

Mr. ALPINE. Yes.

Mr. THOMPSON. Just their own organization?

Mr. ALPINE. Yes, sir. We found the things thought to be insurmountable were easily gotten over after men had sat down and realized the importance of the subject.

Mr. THOMPSON. As you have stated, in the trades-union world this long-continued struggle between the steam fitters and plumbers, coverings, as it did, the entire country, was looked upon as the fiercest and most stubbornly fought industrial fight in this country?

Mr. ALPINE. I think that is quite generally conceded.

Mr. THOMPSON. Now, you say upon this amalgamation peace in the country generally is established?

Mr. ALPINE. Yes, sir. There is but one city now where amalgamation has not been consummated, and that is Boston, where I am expected to be to-morrow, for the purpose of completing the arrangements. They have practically agreed upon their trade lines there.

Mr. THOMPSON. One or two matters in connection with the getting together of the various locals. Would there be any difference in the voting power of the delegates of the two local unions when they came together, or was the matter determined, not by vote, but by simply getting together and mediating through their conference?

Mr. ALPINE. It would have been manifestly unfair to have had those matters decided by means of vote. Manifestly unfair because in many instances we had in some places as many as three local unions each having the same number of representatives that the steam fitters had, and consequently a question of vote would have resulted disastrously to the steam fitters, and we maintain that it had to be a unanimous conclusion.

Mr. THOMPSON. And through the efforts of mediation and conciliation?

Mr. ALPINE. Yes, sir.

Mr. THOMPSON. Is there any reason why amalgamation has been delayed in Boston that you care to state?

Mr. ALPINE. There has been no particular reason why it has been postponed in Boston other than the fact that this amalgamation process was quite necessarily a lengthy one, and it embraced so many localities, and our contentions were quite generally taken up, but I do not want to evade or to have it appear as though evasion was intended—I might say that, after all, perhaps there is a reason, perhaps there was a reason. In Boston some of the trades affiliated to the American Federation of Labor and its building trade department, and affiliated to the Federation of Labor, affiliated to the building trades department thereof, national, and not locally, in Boston, took sides in this controversy, taking the side of the steam fitters—for convenience sake, if you will let me say steam fitter and plumber, while the terms are not quite correct, it will perhaps expedite matters.

Mr. THOMPSON. Yes.

Mr. ALPINE. It took sides with the steam fitters on the Boston controversy; other trades taking the side with the plumber, and that perhaps has had to do with the keeping of them apart until this time.

Mr. THOMPSON. From your experience, Mr. Alpine, in the adjustment of this jurisdictional matter, and from your experience in Boston, are you of the opinion that this matter can be settled on a national basis better than on a local basis? If you do not understand the question, I will put it in another form?

Mr. ALPINE. I do not think I quite understand the question.

Mr. THOMPSON. It has been stated here, Mr. Alpine, by various men before this commission that there could not be an international adjustment of jurisdictional troubles, but that they ought to be left to the adjustment in each city or locality where the trouble might arise.

Mr. ALPINE. I understand your question now. No, I do not agree with that. There were none of our settlements made that were made as local settlements. They were all made under the auspices and provision of the international union, and we did find this: That a settlement made—and I am speaking of the pipe-fitting industry—that a settlement made, for example, in St. Louis, in all its details would not meet the requirements of a similar settlement made in Chicago only a matter of six hours away. In other words, Mr. Thompson, we had to be governed by conditions, by priority conditions as they obtained.

Mr. THOMPSON. Was there any trouble in your international union adjusting itself to the priority claims in the various cities?

Mr. ALPINE. No, sir.

Mr. THOMPSON. In other words, you could allow differentials at various points as the necessity of the case required?

Mr. ALPINE. The international union—our international union—was quite as fired of the controversy as the party of the other part and the public generally, and in as much as peace could be obtained in a certain locality, that was all the international union wanted, as since all parties to the controversy were satisfied.

Mr. THOMPSON. Then from your experience, Mr. Alpine, in adjusting this great jurisdictional controversy, the opinion which has been stated here by some witnesses, that it could not be done through the international organization, or national body, because it could not allow for these varying conditions, is not correct?

Mr. ALPINE. Well I would say that it was not correct as it applies to the instance that you are questioning me on now. The international union consummated all these agreements. When the men were negotiating their trade lines, we remained in proximity to the meeting so that in the event of there being a disagreement we might act as mediators and endeavor to bring about an adjudication; but there was no such opportunity offered us because they adjudicated between themselves.

Mr. THOMPSON. One reason, Mr. Alpine, for some of the witnesses stating that it could not be adjusted by a national body, was that in certain large cities, New York for instance, in certain of the trades machines were used which were not used elsewhere. Would the adjustment of that kind of a case, in your opinion, be an obstacle which could not be overcome?

Mr. ALPINE. I may be pardoned if I say that I do not think our international union has yet found any obstacle that we could not overcome. I believe we could overcome that. I do not mean by that that we have reached the millennium; that there are no obstacles not yet to overcome; that we have overcome those obstacles that appeared to be quite unsurmountable. We have no control over nor do we have any machinery except in supply houses that cuts threads on pipe, and those men are not organized and we have no jurisdiction over them.

Mr. THOMPSON. Now, Mr. Alpine, from your experience in this matter are you of the opinion that a national body having the confidence of the union workers and also of the public generally throughout the United States would be a good body to settle such jurisdictional matters as might arise in any particular trade or in any industry?

Mr. ALPINE. I would not care to be recorded as being willing to subscribe to that. You are speaking of jurisdictional interneckline troubles between labor unions?

Mr. THOMPSON. Yes.

Mr. ALPINE. No; I would not be willing to admit that. I believe the American Federation of Labor is better qualified to dispose of its internal differences than any other agency could be.

Mr. THOMPSON. That is a national body, is it not—it covers the whole country?

Mr. ALPINE. Yes.

Mr. THOMPSON. I was not speaking of the public at the time, but it took the intervention of the American Federation of Labor acting as a national body to force, by the revoking of the charter, to bring about amalgamation of the two associations, did it not?

Mr. ALPINE. Yes, sir.

Mr. THOMPSON. It was brought about by two international unions themselves?

Mr. ALPINE. No; it was primarily brought about because of the revocation of the charter.

Mr. THOMPSON. Do you see now any objection to a governmental body of national scope which might work with, say, the American Federation of Labor, international or local union if that were a better way, or working with organizations which are affiliated with the American Federation of Labor, to adjust troubles?

Mr. ALPINE. Simply as an institution for mediative purposes?

Mr. THOMPSON. Yes; and conciliation.

Mr. ALPINE. So long as that did not tend to savor of arbitration of a compulsory form I can see no objection, so long as it did not take away from the labor man of this continent his right to adjudicate and determine these disputes.

Mr. THOMPSON. Just purely a body of advice and conciliation, you see no objection?

Mr. ALPINE. I would see none.

Mr. THOMPSON. What is the power, Mr. Alpine, which your organization has, or the American Federation of Labor, to enforce the amalgamation of these two unions which is taking place, in case the local union does not wish to comply with the amalgamation—it has no legal power, has it?

Mr. ALPINE. It has no legal power; no, sir.

Mr. THOMPSON. It has a moral power?

Mr. ALPINE. It has a moral power; yes.

Mr. THOMPSON. And that is simply a moral power, is it not?

Mr. ALPINE. Surely.

Mr. THOMPSON. That is the only thing?

Mr. ALPINE. Local unions are voluntary members of the International and the international are voluntary members of the American Federation of Labor.

Mr. THOMPSON. What power has a local union over its members? I am talking now of legal power—it has none to enforce them to do anything?

Mr. ALPINE. Moral power?

Mr. THOMPSON. Moral power.

Mr. ALPINE. Simply a moral power. It has the by-laws which govern and control the local unions.

Mr. THOMPSON. Now, assuming that there was a governmental body purely for the purpose of conciliation or assistance which could deal with this matter at the instance of the bodies, would that not bring to the field an additional moral influence, providing it was of such a character that it met with the approval of the public and of the unions?

Mr. ALPINE. Of such a character and of such a creation as would meet the approval of the public and local unions being of a mediative character, I presume that would add to the moral strength.

Mr. THOMPSON. Has there been any trouble in the city of New York, Mr. Alpine, in connection with the amalgamation of those two organizations of which you speak?

Mr. ALPINE. Well, yes; there has been. The amalgamation here has been of longer duration than in any other place. There have been more angles, but so far as actual trouble is concerned, less here than in Chicago, where it was most acute, and where at one time it was estimated that \$65,000,000 worth of work was on strike because of these controversies. Here the trouble assumed another form. I have told the commission how these trade lines were disposed of, and if I may assume, it would be easier for me to answer your question, if I may be permitted to do it briefly as possible in my own way.

Mr. THOMPSON. You may do so.

Mr. ALPINE. Every place else that we have heard mentioned, where settlements were made, the men did it themselves. The longest period being not in excess of two weeks. I do not want to be held figuratively to that, but 10 days or 2 weeks would embrace all the time occupied in Chicago, which city was the one particular place where it required any great length of time. Here in New York we undertook the same mode of procedure. Committees representing the steam fitters and steam fitters' helpers, committees representing the two plumbers' local unions on the island of Manhattan, and the plumbers' local union situated at Brooklyn, went in the meeting for the purpose of settling their trade disputes here, just as they have been settled in every other locality. They started in to meet on or about the 1st day of June, one year ago. They met weekly from that time until about the middle of January, a matter of seven months or over, and arrived at definite conclusions so far as a certain part of

the steam fitters' work and a certain part of the plumbers' work was concerned, but there were some five points of work upon which they disagreed.

It became evident that in New York we were faced with a condition that did not prevail in any other place, the condition being that the men could not agree upon what constituted their respective work, and feeling that amalgamation, so generally observed, had to be observed in New York, I, as one of the officers, together with General Organizer Leonard, who was here with me, determined that in event of adjournment of these committees sine die without having accomplished their purpose, a unanimous action, that we ourselves would undertake the task of bringing about the amalgamations, predicated our adjustments made upon agreements made in other localities by the plumbers and steam fitters themselves, and the committees failed to agree and we undertook the task.

Now, we found the situation here something like this: In certain portions of the country there were certain forms of work that the plumber conceded to be the work of the steam fitter without dispute. Take, for example, what is known in the trade as thermostatic fitting, a form of pipe for heating regulations. In every other part of the country that work was conceded to be the work of the steam fitter, but here in New York, because of a decision previously rendered, the plumber was in control of the work and was performing that work. There was a differential here in that one instance, and there were three or four other instances where such differences of opinion prevailed. Now, we created, or helped to create, an agreement here that held inviolate the work that the plumber, by priority of right, was performing and held control over, and having in mind the fairness to the steam fitter, we also observed his rights as they obtained in the matter, and we completed an agreement that was satisfactory to the steam fitters. The agreement made here in New York was a fairer, a more equitable agreement for the plumber than was made in any other portion of the country by the plumbers themselves. Or, in other words, the agreement that we entered into here gave to the plumber work in New York that he, the plumber, conceded to be the work of the steam fitter in other localities.

The agreement was accepted by the steam fitters, and the steam fitters' helpers were rejected by the local unions on the island of Manhattan, the plumbers' local unions, and accepted by the plumbers' local union located at Brooklyn.

In creating the agreement we endeavored to make local unions of plumbers parties to the agreement, but two of them refused to subscribe, and we went ahead with the amalgamation over their protest.

Shortly after that a movement was made with the master plumber or master plumbers' associations as complainant, a movement made in the direction of enjoining us from consummating the agreement.

Mr. THOMPSON. A movement in the courts?

Mr. ALPINE. A movement in the courts in the form of a bill of complaint. It was not a restraining order and did not restrain us from proceeding. The bill was not served until the amalgamation of both local unions of fitters and helpers had been consummated, but the bill was presented, and later—served later—service was rendered on me after I had concluded the amalgamation.

The status of the situation to-day is that that matter is in the court and I am not able to determine what angle it will develop, but I do know that the steam fitters, they are known locally as the Enterprise Association of Steam Fitters and the Progress Association of Helpers, are properly enrolled in the association as members thereof; that for the first time in 15 years there has been one organization representing the pipe-fitting family in New York. That agreement was ratified by the United Association, and we propose to see that it will be adhered to, notwithstanding the protest of the unions who have made such protest.

Mr. THOMPSON. What power have you to carry that out as against those local unions, if you care to say?

Mr. ALPINE. I do care to say. I want to state that there is not anything I won't answer. The power of the United Association, the laws of the United Association, are subservient to the laws of the American Federation of Labor, as a component part of that body. The American Federation of Labor declared for an amalgamation of the contending forces and that peace might be restored in the building industry. The United Association provides that its local union shall obey its laws and the orders of its officers. In this case the laws of the United Association and the instructions of that body to

its officers are to carry out the orders of the American Federation of Labor, and if there be a violation, in answer to your question, of the agreement made between the officers of the United Association and the Enterprise and Progress Associations, if there be a violation by any local union of the provisions of that agreement, suspension of that local union from the United Association will follow.

Mr. THOMPSON. Outside of such suspension, Mr. Alpine, what power have you to induce the local unions to carry that out?

Mr. ALPINE. Merely the power of moral suasion and the resorting to of all possible legal means to restrain them from violating the agreement, and then, in the event of suspension, reorganization by men who will obey the laws when they are issued.

Mr. THOMPSON. Did the jurisdictional struggle between the steam fitters and plumbers in New York City come up before the contractors' association, the large employers' association, which Mr. Edlitz is a member of?

Mr. ALPINE. So far as I know it did not.

Mr. THOMPSON. They made no fight in that respect?

Mr. ALPINE. I assume building-trades employers' association of New York, composed of men actively engaged in the building industry, were fully aware of the negotiations that were pending, and the result of the negotiations, as well as the general make-up of the agreement arrived at, but that as an institution they had nothing to do with the creation of the agreement, nor do I know that it was brought to their body, not by me officially, and I question if by anybody else.

Mr. THOMPSON. You would not be prepared, I take it, to express an opinion as to how your international would handle that matter in case your method and the American Federation of Labor method of adjusting that jurisdictional dispute should conflict with a decision of the Building Employers' Association of New York City?

Mr. ALPINE. I would—

Mr. THOMPSON. I will tell you why I asked that question, Mr. Alpine. Mr. Edlitz said in Washington, when he was before this commission giving testimony on the question of collective bargaining, at which meeting you were to be present—

Mr. ALPINE. Yes, sir; and I was unable to be there.

Mr. THOMPSON. He said thus: "I think there are a number of trades there"—meaning New York City—"that if their national organization were to tell them 'it is for the best interests of our organization as a whole that you shall break with your employer,' they would say, 'We will be loyal'; they would say, 'We will take our chances.' The employees know when the employer tells them he will do thus and so he will come pretty near doing it. If they can get the employer to enlist with them, they will say good-by to the central body." Does that meet with your idea of the character and kind of union organization in the building trades in this city?

Mr. ALPINE. In answer to that question, Mr. Thompson, I don't know whether you want me to answer the question as you put it last or as in the first.

Mr. THOMPSON. Take it as I put it last.

Mr. ALPINE. I am bound to say that it does not meet my view of the matter. If upon my entry into New York to bring about amalgamation here I had found that the Building Trades Employers' Association was hostile to my attempts to carry out the orders of my organization, or the organization I represent in a smaller degree, I would have gone through with the orders of my organization and endeavored to organize, place into operation, a steam fitters' local of the United Association, no matter what form the opposition was in evidence. I would have been compelled to do that.

Mr. THOMPSON. There will be nothing in your plan, however, of amalgamation, as I understand from what you have already stated, which would prevent you from adopting a decision of the Building Employers' Association in jurisdictional matters?

Mr. ALPINE. In answer to that I would say I have a copy of the agreements of the various trades, which I brought with me, because I thought they might be of service to this commission. Among other copies, I have a copy of agreement made in New York. Now, if you are already provided with a copy of that, you will find a proviso contained in that agreement, to wit, that "decisions rendered by the Building Trades Employers' Association shall be observed as a provision of this agreement." Now, the reasons for that, there had been here, as elsewhere, a great deal of unrest between the plumber and the

steam fitter over jurisdictional questions; the building-trades employers had made several decisions governing those disputes. In some instances I am quite willing and free to say that those decisions of the building trades favored the local unions affiliated to the International of which I am the general president. But you understand that, of course, was prior to this amalgamation. Their decisions lean toward the other side, but as a whole I felt upon first inquiry, and still feel, that those decisions rendered by the Building Trades Employers' Association, as they pertained to our organization as a generality, were not unfair and were quite equitable. Having that in mind and not wanting to reopen all these disputes and start contests again, we agreed that those decisions should prevail.

For illustration take, for example, the question of thermostatic fitting. By a decision that was decided to be the work of the plumber, but in Kansas City, Chicago, Milwaukee, and almost every other place it was determined to be the work of the steam fitter. Now, the question of vacuum cleaning, this piping for air-cleaning purposes, here in New York the plumber had been and is still in control of that work; but in other localities it was either made optional with either party to perform, or in some instances the steam fitter was awarded the control of that work. Now, we did not want to open all those things, and we agreed to abide by the decisions rendered. If you will pardon me just a moment, Mr. Thompson, so far as local unions telling international bodies that they would sever their international relationship, I don't think that would obtain in our organization, and if it did I believe it would obtain only for a very brief time; that we would soon be able to bring about a clearing up of that situation.

Mr. THOMPSON. It has been stated here, Mr. Alpine, that one method—one good method, by some witnesses—of determining jurisdictional disputes was to get the various trades amalgamated into their basic trade. That is, what you have done in this trade, have you not—that is, the pipe trade? They all belong to the pipe family.

Mr. ALPINE. Yes, sir; we figured, and it has been our theory for all time, that all men who work at pipe fitting in its various forms properly belong in one organization.

Mr. THOMPSON. Does that include the electrical workers, too?

Mr. ALPINE. I am glad you have brought that out. That does not include the electrical worker, who does piping in conduit form, and which the American Federation of Labor has previously decided to be his, and we are quite willing to abide by the decision rendered.

Mr. THOMPSON. What other work does the electrical worker do besides the pipe fitting and conduit work?

Mr. ALPINE. I don't know that there is any other work that could be construed as being in connection with our jurisdiction. That is the only work that I can recall.

Mr. THOMPSON. But you still think, however, that the amalgamation of the various unions with the basic union is a good proposition to settle jurisdictional disputes?

Mr. ALPINE. I don't want to be understood as subscribing to any form of organization that might be regarded as what is commonly known as industrial organization.

Mr. THOMPSON. No. It has been stated here, Mr. Alpine, that all the workers who deal with stone in the various unions, construction and preparation, could be properly amalgamated in the one union, and that that would save jurisdictional troubles in that field. Do you agree with that opinion?

Mr. ALPINE. If you put it that way, Mr. Thompson, if that is the question and you omit reference to cement, marble, and tile work, and all that, which would give it a wider and more general scope, I would say that the stone trades—and meaning that merely; I would not like to be regarded as considering of the other material as coming under the general meaning of stone—the stone trades, I would say, ought to be in one organization; that their best interests could be conserved just as I believe the pipe trades—

Mr. THOMPSON (interrupting). Now, what would you include in the stone trades as you look at it now?

Mr. ALPINE. You refer to granite—soft stone and various other forms of stone that are used in construction work?

Mr. THOMPSON. But you would exclude from that marble slabs and tiling?

Mr. ALPINE. I think so.

Mr. THOMPSON. And in your opinion has the jurisdictional contests which have been waged in the years gone been very costly to the building industry?

Mr. ALPINE. There is not question about it. They have.

Mr. THOMPSON. Have you any opinion as to the public cost in round numbers?

Mr. ALPINE. I haven't any opinion that would be—I am not qualified to answer that so that it might be regarded as a matter of record. In our own controversy the loss in dollars and cents, as represented by the cessation of labor, is of such a magnitude that nobody has yet undertaken the task of computation.

Mr. THOMPSON. Do you think it would run into millions of dollars?

Mr. ALPINE. No doubt of it.

Mr. THOMPSON. In other words, it has been a very expensive proposition for the building trades?

Mr. ALPINE. Most assuredly.

Mr. THOMPSON. Workers and builders as well?

Mr. ALPINE. Most assuredly.

Mr. THOMPSON. I believe, Mr. Chairman, that is all.

Chairman WALSH. Any questions to ask Mr. Alpine?

Commissioner GARRETSON. I have one.

Chairman WALSH. Mr. Garretson wants to ask you a question.

Commissioner GARRETSON. In the settlement of their jurisdictional disputes, Mr. Alpine, I gather from your statement that your belief is that they can best be settled on general principles by the international or national body, leaving the details of its application to the local men themselves?

Mr. ALPINE. I am not prepared to say that that would be applicable in every trade or calling, but in our instance it proved to be.

Commissioner GARRETSON. So your experience as applied to your own affairs favors that method?

Mr. ALPINE. Yes, sir, Mr. Garretson. I was simply answering the questions as I inferred them as pertaining to my own particular organization.

Commissioner GARRETSON. Well, I wanted to get my own understanding of your intent, as I understood the question.

Mr. ALPINE. The reason for that—perhaps I might explain that so you would understand it a little more clearly. For instance, you take the city of St. Louis; the question was asked of me early if lead pipe was not less commonly used now than previously in lead plumbing. My answer was that that was true. There are some cities in this country where lead pipe obtains more than in the others. Now, St. Louis is one of those cities. Now, I could be a party to a trade agreement, and, because of the fact that lead pipe entered more largely into the plumbing installation of that city than it does in Chicago, the same agreement that pertained in St. Louis would not relate in all instances to Chicago, where iron had supplanted the lead.

Commissioner GARRETSON. It would not furnish a solution of the local conditions?

Mr. ALPINE. No, sir.

Commissioner GARRETSON. But if the methods of manufacture and erection were uniform in all points, then a uniform settlement could apply without difficulty?

Mr. ALPINE. Yes, sir; but it is not feasible in the settlement of this dispute.

Commissioner GARRETSON. No. Therefore the application to the details after the federation had given its edict are, in your judgment, best left to the men locally?

Mr. ALPINE. Yes, sir.

Commissioner GARRETSON. Now, under your methods of doing business, I wanted to know whether or not a local body—I suppose they are known by various names?

Mr. ALPINE. Local unions?

Commissioner GARRETSON. No; I mean local federated bodies, trade and labor assemblies, and such unions—

Mr. ALPINE (interrupting). Central federated unions?

Commissioner GARRETSON. Yes. Can a body of that kind and the unions which are its constituent parts enter into an agreement with employers, that agreement being in violation of the law or the edicts of the national or international unions of which they are a party?

Mr. ALPINE. I should say they certainly could not. They would not do it in the instance of our organization, and I never have known them to attempt it.

Commissioner GARRETSON. In other words, the powers of the national or international body takes precedence of any local power?

Mr. ALPINE. Absolutely.

Commissioner GARRETSON. If the condition that was cited here and referred to in answer to the question of Mr. Thompson, that the local unions of New York did assume the attitude that—if it came to a question between obeying the national union and the interests of the employer, would that practice, if common, be fatal to the interests of the union?

Mr. ALPINE. Quite naturally; it would destroy discipline. You would be placed in a position where you would be compelled to acknowledge, or rather to determine, as to whether the particular local union was the tail or the body of the kite; and it would not be hard in this case to determine it.

Commissioner GARRETSON. From the standpoint—I ask the question in regard to it because you are the general executive of the organization—

Mr. ALPINE. Yes, sir.

Commissioner GARRETSON. From the standpoint of the organization, a local man who advocated such a policy would be recreant, would he not?

Mr. ALPINE. Do you want me to answer that?

Commissioner GARRETSON. Yes; if you feel free to.

Mr. ALPINE. I am perfectly free to answer that he would certainly be regarded as such.

Chairman WALSH. Mrs. Harriman, have you some question you wish to ask?

Commissioner HARRIMAN. No.

Commissioner LENNON. I would like to ask him a question. I am going to ask you one question, Mr. Alpine—another question on the same line as Mr. Garretson. Isn't there an essential necessity for a national foundation to be laid of general principles governing the settlement of jurisdictional disputes before the local unions can work out the details?

Mr. ALPINE. I am very glad you asked that question. I don't know whether the commission is provided with a copy of our constitution or not. There is a proviso—it must not be understood. First, let me say, the mode of procedure that we adopted was because of abnormal conditions. It was the absorbing or the acceptance of a large body of men not yet affiliated, and who were coming in as collective bodies, and hence we adopted the means of settling those disputes before they entered, rather than settling them after they had entered. Now, you understand, wherever there are a sufficient number of steam fitters to properly conduct a local union, we issue to them and prefer that they should have charters and be chartered as steam fitters. But there are many smaller cities in this country where the steam fitters and the plumbers are together in what is known as mixed local unions. Now, you can readily imagine that in those mixed local unions we very frequently have a dispute arise as to what constitutes the work of the plumber or of the steam fitter. In some instances, where there are two local unions, one of plumbers and one of steam fitters, they sometimes come into conflict. And when that occurs a section of the constitution governs that, and if it be your pleasure, I will read it to you. Let me read the last portion of the constitution, the section referred to, and I will turn it over to your secretary.

"Sec. 127. The jurisdiction of the U. A. embraces all kinds and classes of pipe fitting, and the separation of the special branches of your craft is left to the wisdom and judgment of the members of our craft in their vicinities, to be decided by a board composed of members, two to be selected from each local branch of the trade which may be in actual dispute or who may lay claim to any particular class of work. In case the local committee of the special branches involved can not agree, it will be the duty of the general president of the U. A. to appoint an umpire, not locally interested, from each trade involved, and they shall take all evidence under advisement and render a decision. Failing to agree, the umpires so appointed shall forward all evidence to the general president of U. A. for a final decision."

I anticipate that the settlement of this dispute in the pipe-fitting industry means that contractors, general or otherwise, and the public generally, are not going to be called upon to settle any more disputes in the pipe-fitting industry; that they will be settled internally and between and among ourselves.

Commissioner LENNON. Mr. Alpine, a number of witnesses testified as to an alleged rule of limitation of output of workmen. You have had a wide experience, have you not, and what have you to say on that subject—as to the limitation of the day's work and the limitation of the output of union men?

Mr. ALPINE. Well, I have heard of those things; but I am bound to confess that I believe they are comparatively nonexistent to-day. Local unions have local by-laws and they are required to send those local by-laws into the general office for approval or for consideration. The institution of the proviso like that would be a contradiction of our general law, and we could not accept such a local constitution. If those things do prevail, they are unwritten laws, and we do not know of their existence, although from time to time I have had employing plumbers and employing steam fitters profess that those things did exist. And I have assumed that it depended upon—if I might use a phrase—that it depended upon whose ox was being gored, the employer, feeling that the men were not doing a sufficient amount of work, and the men feeling such not to be the case. I don't know of any rule that prevails in any local union where it is made public in the local that such is the condition.

Commissioner LENNON. Mr. Alpine, how long have you been in the trade? I don't intend to find out how old you are.

Mr. ALPINE. Well, I was wondering if I was not going to give you a pretty good line—about 29 years.

Commissioner LENNON. What does your observation lead you to believe to be the output for the plumber and the steam fitter as compared with 25 years ago?

Mr. ALPINE. My observation is that the plumber and the steam fitter are doing more work to-day than they did 25 years ago.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. You say the plumber and the steam fitter do more work now. Have they better tools and better facilities for doing work?

Mr. ALPINE. Yes; in some respects, yes; in so far as the iron-piping portion of the plumbing trade is concerned, they have better tools and better facilities to-day than they did 25 years ago. That is true of the pipe-fitting business generally. Where 25 years ago certain sizes of piping were cut on the buildings by hand, those sizes of piping to-day are cut by machinery, and tools have made some general improvement.

Commissioner BALLARD. What number of hours do the men work?

Mr. ALPINE. Almost a universal eight-hour workday.

Commissioner BALLARD. When does that begin?

Mr. ALPINE. At 8 o'clock in the morning and until 12 at noon—

Commissioner BALLARD (interrupting). If a man is out in the country 10 or 15 miles from New York City and has some work to be done on a steam radiator and he sends to have it done, where does the workman's time begin and where does this workman's 8 o'clock start?

Mr. ALPINE. Well, his time starts at 8 o'clock in the morning.

Commissioner BALLARD. Where must he be at that hour? Suppose it takes an hour from his residence, or a half an hour from his residence or home to his shop and an hour from his shop to where the job is. Where does he report at 8 o'clock in the morning?

Mr. ALPINE. He reports at the shop.

Commissioner BALLARD. He reports at the shop?

Mr. ALPINE. Those things are provided for largely in the local agreements made by the local unions and their employers; and it has been my experience that the men frequently—more frequently than otherwise—are quite willing to regulate their hours in such an instance contingent with the train departures and arrivals. But if a man ordinarily travels for an hour or two hours on a railroad and he has to use that hour or two hours prior to the time when he is entitled to report to work, somebody is going to pay him for the time of his travel.

Commissioner BALLARD. Then he works eight hours. That would be from 8 until 4 or 5? What time in the afternoon does he quit work?

Mr. ALPINE. Five o'clock is the hour, with an hour for lunch. Sometimes in some localities and in certain periods of the year—not in the large industrial centers generally, but in other places, and in some cases in the larger cities in the times of the year where the day is short and darkness comes before 5 o'clock—the employers make arrangements with their men to take only a half hour for lunch and stop a half hour earlier.

Commissioner BALLARD. But when the workman goes out to perform work of that kind, does he always take an apprentice with him, or helper, or does he go alone?

Mr. ALPINE. Well, that depends on the work.

Commissioner BALLARD. If the work requires it he takes him, and not otherwise?

Mr. ALPINE. Why, certainly.

Commissioner BALLARD. Suppose, for the sake of argument, that there are two repair jobs in one house and one is some work the plumber could do and at the same time the other is steam-fitter work, but either man could do it. Would it be necessary to have two separate men come there to do those two jobs that each one might not take over an hour?

Mr. ALPINE. I will have to answer that question by bringing forth some difference of relation as to the place that might occur in. If that happened in New York and a plumber undertook to do the steam fitting, there would be objection, or vice versa. We don't admit that the plumber has any right to do steam fitting, or that the steam fitter has any right to do plumbing. In some localities our men are members of a local union composed of plumbers and steam fitters. The plumbers and steam fitters agree jointly that either one or the other may perform a certain limited amount of their respective work for just such emergencies. But if you were to permit that to happen in New York or some of the other places where separate and distinct local unions of steam fitters and plumbers prevail, you would be getting yourself and ourselves into endless trouble because of our desire to protect the steam fitters and the plumbers.

Commissioner BALLARD. And then if in doing either character of work it was necessary to cut a hole through a wooden partition or a brick wall he would have to get either a carpenter or a brick mason?

Mr. ALPINE. No; you get either a carpenter or a brick mason. You will pardon me; I don't think it is intended, but I feel that that question is a trifle exaggerated. I do not believe a plumber—I know that a plumber or a steam-fitter would not send for a carpenter or a bricklayer to make a hole through the wall, because they would be quite as well qualified to do that as either of the others mentioned, and it would not be sensible for them to do it, and I am very positive they would not do that.

Commissioner BALLARD. They would make the hole themselves?

Mr. ALPINE. Yes.

Chairman WALSH. Mrs. Harriman, have you some question you wish to ask?

Commissioner HARRIMAN. Mr. Alpine, I would like to know if the so-called efficiency system has been introduced in any way among either the plumbers or the gas fitters' trades? I ask because of your speaking of their doing more work now than they did 25 years ago, and yet your hours are shorter than 25 years ago. I want to know why they are doing more work or a greater amount of work?

Mr. ALPINE. I can answer that, Mrs. Harriman, by saying, first, the efficiency system, as it is generally regarded, has not been introduced. The fact of the matter is that more work is being done than 25 years ago, and that can be attributed to the competition in the market—there are more men engaged at the trade—to the difference in material, and the fact that the general construction of buildings demands a greater production of work. There has been no introduction of efficiency plans. Now, take perhaps a better illustration, to be specific. In the plumbing business, where years ago lead prevailed, you have often heard the expression, I presume you have heard the expression, of wiping a joint, as it applies to the plumbing business, which means the joining together of two or more pieces of pipe by means of molding liquid solder. Now, that required time and patience, and consequently less work could be performed by that means than can be performed to-day where those same two or more pieces of pipe are joined together by means of screwed threads. That has its influence in the production of work and as it applies to the plumbing, speaking specifically.

Chairman WALSH. Any other questions?

Commissioner O'CONNELL. I just want to ask you one question, Mr. Alpine. I take it from what you say the jurisdictional fights, so called, in the pipe industry have practically disappeared, so far as the public is concerned? You have so arranged your affairs that disputes in the future will be adjusted internally and within your own organization?

Mr. ALPINE. Unless they happen with the machinists. Well, I did not mean that as a facetious answer, Mr. O'Connell. The means of adjusting those disputes now is within our own ranks, unless some other trade encroaches upon our jurisdiction. Then, of course, we will have to settle that with them.

Commissioner GARRETTSON. Or you encroach upon somebody else?

Mr. ALPINE. Or we encroach upon somebody else.

Chairman WALSH. That is all, thank you, Mr. Alpine. Call your next witness, Mr. Thompson.

Mr. THOMPSON. Mr. Alpine, would you mind letting us have those agreements you have brought here?

Mr. ALPINE. I would be very happy to furnish them; they are the only copies I have here, and I shall be glad to let you have them if you will return them to me after you have gotten through with them.

Mr. THOMPSON. You don't mind our having them for some time?

Mr. ALPINE. No; I will be glad to do that.

Mr. THOMPSON. If you will, you may do that.

(All the papers at this point referred to were by the reporter turned over to Mr. Sullivan, of the commission's office, at the direction of Mr. Thompson. Agreements returned to Mr. Alpine.)

TESTIMONY OF MR. GEORGE H. MORRIS.

Mr. THOMPSON. Please give us your name and address.

Mr. MORRIS. George H. Morris, a member of the firm of Johnson & Morris, steam fitting, 538 West Twenty-third Street, New York City.

Mr. THOMPSON. You are a member of the master steam fitters' association, Mr. Morris?

Mr. MORRIS. Yes, sir.

Mr. THOMPSON. Were you at the time of the termination of the arbitration plan in this city the chairman of the arbitration board?

Mr. MORRIS. Yes, sir.

Mr. THOMPSON. At that time did a delegation of the ironworkers' union come to see you and ask you to intercede on their behalf to be admitted to the arbitration plan?

Mr. MORRIS. I recall five men coming to me who represented themselves to be such; I have no means of knowing whether they were or not.

Mr. THOMPSON. Did they offer to put up a bond of \$25,000 for their good behavior if they were admitted to the plan?

Mr. MORRIS. They did.

Mr. THOMPSON. And what did you say to those five men, if you remember, Mr. Morris?

Mr. MORRIS. That is a good while ago. To the best of my recollection I said that I did not think that I could be of any use to them, and they urged me to intercede for them, and I told them that I did not know in what capacity I could do so. And I finally agreed, as representing those five men, to present their statements to their employers, which I did.

Mr. THOMPSON. And what became of it, if you know?

Mr. MORRIS. Nothing.

Mr. THOMPSON. Your plan of arbitration, Mr. Morris, was not elastic enough to take in such a question as that, was it?

Mr. MORRIS. Why, the ironworkers had, by the joint action—permit me first to say this, that the method of voting in the arbitration plan was that the union side and the employers' side voted separately, and to carry any question there had to be a majority affirmative vote on both sides before any question was carried. And those ironworkers had been—I won't say expelled, but suspended from the board by the affirmative vote of each side voting separately. So that they were not members at the time. They wanted to be reinstated on the board.

Mr. THOMPSON. In other words, they did not come under your jurisdiction?

Mr. MORRIS. I could not see that they did.

Mr. THOMPSON. Now, Mr. Morris, something has been said here to-day in regard to the settlement of jurisdictional disputes. Mr. Alpine, whose testimony you have heard, favors the settlement of them by the International union, working preferably through the American Federation of Labor; that by doing that they can make allowances for local conditions. Have you any opinion on that subject?

Mr. MORRIS. I have.

Mr. THOMPSON. Do you favor what he stated, and if not, what is your opinion in regard thereto?

Mr. MORRIS. My opinion is that it would not work well.

Mr. THOMPSON. Why?

Mr. MORRIS. I don't think that any jurisdictional dispute is the exclusive property of either the union man or the employer. I think any question of that character, to be settled permanently, can not be settled unless both sides have something to say about it. It might be settled, but it would be settled by force rather than by agreement.

Mr. THOMPSON. Going back to the arbitration plan for the moment, Mr. Morris, why was that abolished? Was it on account of the fact that it was declared illegal by the courts?

Mr. MORRIS. No; the arbitration plan existed for seven years, and I think that any method which lasts for seven years in settling disputes between the labor unions and employers has served about as long as it is possible to keep it together. I think the fact that it lasted for seven years has as much to do with its dissolution as any one thing. Furthermore, this question of having suspended the iron workers and the painters and not taking them back, I think did have a considerable amount to do with the discontinuing of the plan. And there was another matter that I always felt brought about—tended to bring about—a dissolution, and that was that it was popularly understood that the labor side caucused during the night before the arbitration board meeting, the last year or two of the plan. I think that has had as much as anything to do with it.

Mr. THOMPSON. Who held the caucuses?

Mr. MORRIS. We understood that the union side of the arbitration board held a caucus the night before the meeting of the board, and consequently that many questions were prejudged before the meeting of the board.

Mr. THOMPSON. What was the acute dispute that caused the termination, if you know?

Mr. MORRIS. The steam fitters' strike. That was nominally the cause of the disruption, but I never felt that that was the real cause.

Mr. THOMPSON. Now, going back to the question of the settlement of jurisdictional disputes, you have said that you do not think that they could be settled properly without the employers being represented—

Mr. MORRIS. I would not like to say properly. I say "permanently."

Mr. THOMPSON. What interest have the employers in a jurisdictional dispute as to its manner of settlement?

Mr. MORRIS. Why, they have all the responsibility of being under contract to perform a piece of mechanical work for which they remain responsible in my particular business for two years under the contract terms, and probably for a longer time; but commonly. And certainly they should have some say whether a plumber or a steam fitter does the steam-fitting work.

Mr. THOMPSON. Assuming, Mr. Morris, that the unions have gotten together and settled that matter, and assuming that they made allowance for existing contracts that the employer had, what interest would that employer have in the settlement of the jurisdictional dispute?

Mr. MORRIS. Why, he would have this: I consider that the steam-heating business is a business involving more or less danger to life and limb, for which the contractor is directly responsible; and I think his judgment as to whether he shall use steam fitters to do steam-fitting work should go further than a majority vote of a Federation of Labor that perhaps knew nothing about the technicalities of the business. I think the employer is certainly a factor in the settlement.

Mr. THOMPSON. You say that the liability of a damage suit on behalf of the employer, because of the character of the workmen that do the work, justifies him being considered?

Mr. MORRIS. On behalf of the ability to work?

(The question was read by the reporter.)

Chairman WALSH. Against the employers?

Mr. THOMPSON. The liability to damage suit on account of the character of the men doing the work.

Chairman WALSH. Ask the question over again. I misunderstood it.

(The question was read by the reporter.)

Mr. THOMPSON. Mr. Morris, as I understand your answer—I want to get that clear—do you feel that the employer is liable to be called upon to pay damages?

Mr. MORRIS. Absolutely.

Mr. THOMPSON. Because of the character of the workmen doing the work?

Mr. MORRIS. Not the character of the workmen.

Mr. THOMPSON. I mean as to whether he does his work properly or not.

Mr. MORRIS. His ability to technically handle it, technical knowledge of what he is doing.

Mr. THOMPSON. What other reasons, in your opinion, would justify the employer in being considered?

Mr. MORRIS. Common justice.

Mr. THOMPSON. Upon what other grounds would common justice require him to be considered?

Mr. MORRIS. I think that would be enough.

Mr. THOMPSON. Are there any business reasons, because you are in business, because you have your plant, your organization going, you hold yourself out—

Mr. MORRIS. I think I can—

Chairman WALSH. Please read the question. It had not been finished.

(The question was read by the reporter.)

Mr. THOMPSON. To the public to carry on that business?

Mr. MORRIS. Yes, sir; there is that reason, and there is this reason: That the jurisdiction of trades in New York, and, I presume, in other places, has grown largely out of custom and a long period of men being familiar with their work. I have been in the steam business here in this city for 33 years, and when I first went into the steam business there were no unions, and many of the things we did then we do not do now directly because of the subdivision of trades. Trades have become more specialized, and I think it is of the greatest importance that in all trades involving any danger to life or property the employer should certainly have voice in the selection of the kind of mechanics that do his work, because he will certainly employ those that he thinks are best adapted to the purposes; and then by those same customs, of certain trades having the jurisdiction so many years, they have become skilled, and in another locality another trade might be skilled in their trade. Therefore I say that the Federation of Labor, and I say it without the slightest disrespect to their ability at all, but I do not think the Federation of Labor, or any other national body, can properly judge of local jurisdictional questions.

Mr. THOMPSON. Don't you think that they could take into consideration such matters as you speak of?

Mr. MORRIS. Why, yes; they could take some of it into consideration; but they certainly have not the knowledge and some of the facilities for properly judging of the conditions. Furthermore, a large body of that kind, without stating it as a fact, I should think that they would be influenced by other reasons. They would be influenced by their nearer acquaintance to one trade than to another. I think there would be great difficulty in giving a decision based purely on the true local requirements.

Mr. THOMPSON. Assuming that there were governmental, a national body upon which employers and employees had a representation, who were capable of taking evidence, hearing the employers and hearing the employees, do you believe that such a body could not consider the reasons that you have given and decide the truth from the evidence of the people?

Mr. MORRIS. If properly constituted, I do not say that they would not be competent. I think, however, that as we know now that every law case that goes to a Federal court is liable to take a long while in reaching a decision, I think before the time such a body would reach a decision the emergency of the case would have long since passed.

Mr. THOMPSON. That is all I care to ask the witness.

Chairman WALSH. Are there any other questions?

Commissioner LENNON. I want to ask one question: Out of the settlement of this dispute in the pipe-fitting trade, how does it affect your free choice of workmen? How do you think it may affect your free choice of workmen? You want steamfitters?

Mr. MORRIS. Yes.

Commissioner LENNON. How will this amalgamation and this settlement affect your free choice of getting steam fitters?

Mr. MORRIS. I do not see that it affects us in any way that we have not been, under the same conditions, for the last 30 years.

Chairman WALSH. Commissioner Ballard, have you any questions?

Commissioner BALLARD. You spoke of the Ironworkers and carpenters both withdrawing from this amalgamating association at the same time?

Mr. MORRIS. No; the painters.

Commissioner BALLARD. The painters were subsequently reinstated, were they not?

Mr. MORRIS. No, sir; the arbitration board—the carpenters, by the way, also had them suspended, and they had made application for reinstatement, and that had been granted; but they had not actually again sent their delegate to the board when the termination of the board occurred. When the board discontinued, my recollection is, the house-smiths—that is, the ironworkers, we call them the house-smiths—and the painters were still out of the board.

Commissioner BALLARD. It has come to your attention why the ironworkers are still not affiliated, hasn't it?

Mr. MORRIS. I, being a member of the board of governors of the employers' association, I know that it is a fact.

Commissioner BALLARD. Why are they not?

Mr. MORRIS. Why are they not?

Commissioner BALLARD. Yes.

Mr. MORRIS. I presume only for the reason that they and their employers have no agreement and their employers do not recognize a union condition. The Building Trades Employers' Association, I have heard it said here that they were entirely a union proposition. That is not quite true, because there are nonunion conditions recognized there as well as union conditions.

Chairman WALSH. Is that all?

Commissioner GARRETSO. I haven't anything.

TESTIMONY OF MR. JAMES P. KNIGHT.

Mr. THOMPSON. Now, Mr. Knight, will you give us your name, your address, and your business, please?

Mr. KNIGHT. James P. Knight; conducting a plumbing business under the firm name of J. N. Knight & Son, at 221 West Forty-ninth Street.

Mr. THOMPSON. How long have you been in the plumbing business in New York City?

Mr. KNIGHT. Working and as an employer?

Mr. THOMPSON. Yes, sir.

Mr. KNIGHT. Forty-seven years.

Mr. THOMPSON. Have you heard the testimony of Mr. Morris?

Mr. KNIGHT. Yes, sir.

Mr. THOMPSON. With reference to jurisdictional matters?

Mr. KNIGHT. Yes, sir.

Mr. THOMPSON. Have you anything to say in regard thereto different from what he says?

Mr. KNIGHT. No, sir; I think not.

Mr. THOMPSON. It is stated, Mr. Knight, that the master plumbers and the journeymen plumbers have an agreement together that the journeymen plumbers will not install any plumbing fixtures that are not bought by the master plumbers; is that correct?

Mr. KNIGHT. The journeymen plumber, I do not think, is where the fixtures come from. The master plumber will not install fixtures that he does not purchase.

Mr. THOMPSON. So far as you know, will the journeymen plumbers in the city of New York install fixtures not purchased and installed by a master plumber?

Mr. KNIGHT. I have never seen that tested out. I think they would.

Mr. THOMPSON. You think they would?

Mr. KNIGHT. I do.

Mr. THOMPSON. You say you have never seen that tested out?

Mr. KNIGHT. I have not.

Mr. THOMPSON. Is it not a fact that the arrangement between your association and the plumbers provides that all plumbing fixtures must be purchased and furnished by the master plumbers? Otherwise a journeyman plumber will refuse to install or connect the same?

Mr. KNIGHT. I do not—no; he will. There is a—I would not, nor would a member of my association—would not attempt to install for you fixtures that you purchased.

Mr. THOMPSON. That is not the question. Doesn't the agreement, article 36 of section F of the agreement, that you have with the journeymen plumbers provide that they will not install it?

Mr. KNIGHT. I am not very conversant with it. Have you got the agreement of the journeymen plumbers with you?

Mr. THOMPSON. I have not got a copy of it here. I have the substance of it.

Mr. KNIGHT. I never heard of that being in there.

Mr. THOMPSON. Don't you think that an owner of a building in New York City could hire journeymen plumbers to install fixtures which he has purchased?

Mr. KNIGHT. That has been done within the last two weeks in New York.

Mr. THOMPSON. It has?

Mr. KNIGHT. Yes, sir.

Mr. THOMPSON. Where, if you know?

Mr. KNIGHT. I think it was done right on the corner of Eighty-first Street and Broadway.

Mr. THOMPSON. Eighty-first Street and Broadway?

Mr. KNIGHT. I think so.

Mr. THOMPSON. Do you know of any other instance of the kind?

Mr. KNIGHT. No, sir; I do not; but I do believe it is going on all the time, because I don't believe 50 per cent of the journeymen plumbers are union men in New York to-day.

Mr. THOMPSON. I am talking now solely about union men. Do you believe that union men would install such work for the owner?

Mr. KNIGHT. I think they have.

Mr. THOMPSON. Would you consider that installation a violation of the contract or agreement which your association has with the journeymen plumbers?

Mr. KNIGHT. I would think it was; yes, sir.

Mr. THOMPSON. You would?

Mr. KNIGHT. Yes, sir.

Mr. THOMPSON. Now, Mr. Knight, is there an agreement or understanding between the members of your association, or your association and the journeymen plumbers, or their association, that they will not work on a job that has been taken away from a master plumber, will not finish a job which has been taken away from a master plumber?

Mr. KNIGHT. I don't understand what you mean by that. I never saw a job taken away from a master plumber.

Mr. THOMPSON. Assume an architect, after a master plumber had been engaged to do the plumbing—

Chairman WALSH. Do you mean a member of the master plumbers' association?

Mr. THOMPSON. Yes, sir.

Assuming an architect had engaged a member of the master plumbers' association to install some work under a contract which gave him the right to determine the contract, if he thought the master plumber was not doing the work properly, if in a case of that kind an architect in New York City may still terminate the contract with any other master plumber, would a member of your association be permitted to carry on and finish that work?

Mr. KNIGHT. Providing the architect had brought it to the master plumbers' organization and they determined that the man was not doing his contract. We do not let one architect come in and dump us out the moment he feels like doing it. He might do it justly or unjustly.

Mr. THOMPSON. In case the architect should believe that the work was done improperly, and your association should decide that the work was done properly, have you any machinery or any provision for the determination of that question by an impartial tribunal?

Mr. KNIGHT. I don't know whether you would call it—we have an arbitration board—but whether you would call it an impartial one or not, I don't know. We think it is.

Mr. THOMPSON. How is it constituted?

Mr. KNIGHT. The committee elected by the organization.

Mr. THOMPSON. But would the architect have any voice in the selection of any members of that arbitration tribunal?

Mr. KNIGHT. No, sir.

Mr. THOMPSON. He would not?

Mr. KNIGHT. No, sir.

Mr. THOMPSON. Then the board which would determine that question would be a board appointed solely by your association?

Mr. KNIGHT. Yes, sir.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions?

Commissioner BALLARD. I have no questions.

Commissioner GARRETTSON. Mr. Knight, you are a rather firm believer in the theories of and adherence of the alleged practices of labor unions, aren't you?

Mr. KNIGHT. No, sir. When they are fair, absolutely.

Commissioner GARRETSON. You utilize them in your own business?

Mr. KNIGHT. No; I never did.

Commissioner GARRETSON. If you do not I don't care to ask any further questions.

Commissioner BALLARD. In selling your plumbing fixtures, do you sell them to anyone excepting union men?

Mr. KNIGHT. Sell them to union men?

Commissioner BALLARD. Do you sell them to the union men ever? Can a union man come in to your place and buy any fixtures he wants?

Mr. KNIGHT. You mean a journeyman plumber?

Commissioner BALLARD. Yes.

Mr. KNIGHT. Oh, numbers of times.

Commissioner BALLARD. Do you sometimes sell them to any individuals who choose to come in?

Mr. KNIGHT. I never had any come in.

Commissioner BALLARD. That question came up. You say you would not sell them?

Mr. KNIGHT. I do not say I would not. With an employee I would not look for any profit; I would give them to him. Sometimes I give them to him absolutely and pay the bill.

Commissioner BALLARD. Supposing a man in his own house should break a faucet or piece of plumbing. Could he come to you and get the piece and put it in himself?

Mr. KNIGHT. He has done it a number of times. If a man has a little place and wants to put a faucet in I would be delighted to help him out.

Commissioner BALLARD. Any citizen in the city, anybody at all?

Mr. KNIGHT. Yes, sir; I am selling a sink to Prof. Johnson now, and he himself is going to put it in. I think he said on a Sunday.

Commissioner BALLARD. So you sell to any individual?

Mr. KNIGHT. That is what I am doing.

Chairman WALSH. Call your next witness.

Mr. THOMPSON. I want to ask one more question.

Chairman WALSH. Very well.

Mr. THOMPSON. I have a copy of the articles of agreement between the Master Plumbers' Association of the Borough of Manhattan and Local Unions Nos. 480 and 498 of the United Association of Plumbers and Gas Fitters. It states that the agreement expires December 31, 1913. Under article 17 of that agreement it is stated:

"It is also expressly agreed that no journeyman shall work or be allowed to work on any property where a member of the master plumbers' association has done work for which he has not been paid."

Was that article carried out?

Mr. KNIGHT. It is carried out.

Mr. THOMPSON. To-day?

Mr. KNIGHT. Oh, yes. If you do not pay me, why you can't get somebody else to go in and get stuck, too, you know, because they get scared. One is enough.

Mr. THOMPSON. That is all, Mr. Knight.

Chairman WALSH. That is all, Mr. Knight. Thank you. Call your next.

Mr. THOMPSON. Mr. Knight, may we have a copy of that agreement?

Mr. KNIGHT. I don't know where it came from. It is not mine. You are welcome to it, so far as I am concerned.

TESTIMONY OF MR. FRANK DEEGAN.

Mr. THOMPSON. Mr. Deegan, will you kindly give us your name, your address, and your business?

Mr. DEEGAN. Fred Deegan, secretary plumbers' union, Local 480, 1931 Broadway.

Mr. THOMPSON. You have heard Mr. Alpine testify in reference to the settlement of jurisdictional disputes between the plumbers and the steam fitters, did you not?

Mr. DEEGAN. Yes, sir.

Mr. THOMPSON. As the secretary of the Plumbers' Local No. 480, what have you to say with reference to that settlement?

Mr. DEEGAN. Well, I have nothing to say, only that our local union has rejected the proposition, the agreement.

Mr. THOMPSON. Why, if you know?

Mr. DEEGAN. On the ground that it gives some of the journeymen plumbers' work to the steam fitters.

Mr. THOMPSON. Do you know why that work was given to the steam fitters?

Mr. DEEGAN. No, sir; I do not.

Mr. THOMPSON. Do you know whether this agreement or adjustment gave to the steam fitters of the city of New York work they did not have before?

Mr. DEEGAN. Well, it gave them work that both of us were in the habit of doing, such as pneumatic tubing.

Mr. THOMPSON. Why, in your opinion, was that work given to the steam fitters?

Mr. DEEGAN. I don't know.

Mr. THOMPSON. You don't know?

Mr. DEEGAN. Probably because they have been doing more of it than we have, although we have a decision given to us by Judge John Henry McCarthy, declaring the work to belong to the plumbers.

Mr. THOMPSON. Now, Mr. Deegan, referring to your organization, how many members are there in New York City of your organization?

Mr. DEEGAN. About 850.

Mr. THOMPSON. How many plumbers are there in New York City, including members of your organization and nonunion people?

Mr. DEEGAN. I couldn't say.

Mr. THOMPSON. What are the working conditions of your trade here, the hours, and the wages?

Mr. DEEGAN. Eight hours a day, half day on Saturday, \$5.50 wages.

Chairman WALSH. Could you approximate the percentage of the journeymen plumbers of the city that are organized?

Mr. DEEGAN. No, sir.

Chairman WALSH. Into organizations?

Mr. DEEGAN. No, sir; I have no way of placing that.

Chairman WALSH. It was just stated a moment ago that probably less than 50 per cent are in the union. Is that statement correct or incorrect, in your judgment?

Mr. DEEGAN. I have no way of fixing that, but I believe there are as many nonunion men as union men, but not on the new buildings.

Mr. THOMPSON. With reference to the regularity of employment, in a normal business here, about how much work does a journeyman plumber have during a year? How many months' work?

Mr. DEEGAN. In the last year I should judge the average amount of work done by plumbers would be about 6 months out of 12.

Mr. THOMPSON. Take a normal year. I understand this is not a normal year.

Mr. DEEGAN. Since I have been secretary in the last three years business has been just about as bad. It has not been good for about three or four years.

Mr. THOMPSON. So far as you know, a plumber only has about six months' work in a year?

Mr. DEEGAN. Most of the plumbers.

Mr. THOMPSON. Most of the plumbers?

Mr. DEEGAN. Yes, sir.

Mr. THOMPSON. What examinations, if any, are required for entrance into your organization?

Mr. DEEGAN. A practical examination, such as wiping joints, picking out different fittings, and drawing up a plan, rough drawing.

Mr. THOMPSON. What is the purpose of such an examination?

Mr. DEEGAN. To find if a man is competent to earn the wages.

Mr. THOMPSON. Any other purpose?

Mr. DEEGAN. None that I know of.

Mr. THOMPSON. Of the men who apply for admission to your union, about what percentage are accepted, and about what percentage are rejected, if you know, have been during the last year?

Mr. DEEGAN. Most of them passed.

Mr. THOMPSON. Most of them passed?

Mr. DEEGAN. Yes, sir; but occasionally there are one or two who do not.

Mr. THOMPSON. You have no knowledge of percentages?

Mr. DEEGAN. No, sir; I couldn't state a percentage, but I have seen sometimes five or six candidates examined and two fail and most times all pass, because they know what they are going up against and they prepare for it.

Mr. THOMPSON. Is there any other reason for keeping men out of the organization when you have your examinations—that is, ulterior motive—like getting a monopoly?

Mr. DEEGAN. No, sir. Since I have been secretary, I think, seven or eight only have failed.

Mr. THOMPSON. What is your initiation fee?

Mr. DEEGAN. \$55.

Mr. THOMPSON. How is that payable?

Mr. DEEGAN. At the present, \$25 down and \$5 every week while the candidate is working.

Mr. THOMPSON. What position does your union take in reference to the admission of aliens and negroes?

Mr. DEEGAN. I never knew a negro to make application. We have Swedes, Germans, and Irishmen. As long they can pass the examination it does not make any difference.

Mr. THOMPSON. Has your organization an agreement with the master plumbers' association by which you agree to work for no one else except a member of that association?

Mr. DEEGAN. Yes, sir.

Mr. THOMPSON. And you carry out the agreement?

Mr. DEEGAN. We do. We do work for nonunion, at least independent, bosses at times, but if there was an objection from the master plumbers' association, of course we would not work for them.

Mr. THOMPSON. Have you any provision in your by-laws limiting the amount of work a man may do in any day?

Mr. DEEGAN. No, sir. The agreement states that there shall be no limit to the amount of work done by a man.

Mr. THOMPSON. Has your union ever disciplined a worker in this city for bustling?

Mr. DEEGAN. I don't believe I remember a case since I have been secretary.

Mr. THOMPSON. Is there any provision in your by-laws which provides for such discipline, if your union desires to administer it?

Mr. DEEGAN. I don't think so.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions? That is all, thank you.

TESTIMONY OF MR. THOMAS SULLIVAN.

Mr. THOMPSON. Will you give us your name, please, your address, and your business?

Mr. SULLIVAN. Thomas Sullivan; 122 Broadhurst Avenue; steam fitter by trade.

Mr. THOMPSON. Are you familiar with the conditions in the trade?

Mr. SULLIVAN. Quite well.

Mr. THOMPSON. And with the recent amalgamation of the steam fitters and plumbers?

Mr. SULLIVAN. Somewhat.

Mr. THOMPSON. Did you hear Mr. Deegan's testimony?

Mr. SULLIVAN. Very little of it.

Mr. THOMPSON. Did you hear that part of it which spoke of certain work that has been assigned to the steam fitters and to which assignment the plumbers objected?

Mr. SULLIVAN. No, sir; I didn't hear that.

Mr. THOMPSON. Is your organization satisfied with the amalgamation?

Mr. SULLIVAN. I believe so; according to their vote on the amalgamation, they are.

Chairman WALSH. I can not hear you.

Mr. SULLIVAN. I say I believe so; on account of their vote, I believe they are.

Mr. THOMPSON. How many members has your organization in it?

Mr. SULLIVAN. Somewhat less than 1,300. The membership changes—a little less than 1,300.

Mr. THOMPSON. One thousand three hundred?

Mr. SULLIVAN. Yes, sir.

Mr. THOMPSON. Does your organization cover the whole city of New York?

Mr. SULLIVAN. All the boroughs; yes, sir.

Mr. THOMPSON. How many nonunion steam fitters are there in the city, if you know? 49

Mr. SULLIVAN. Well, I am not acquainted with any of them, particularly.

Mr. THOMPSON. What percentage of the trade would you consider that was unionized?

Mr. SULLIVAN. Why, I believe that we are about a 90 per cent association. There may be a 10 per cent nonunion element around the boroughs of Greater New York.

Mr. THOMPSON. What are the rates they are paying and the hours per day in your organization?

Mr. SULLIVAN. Five fifty a day; eight hours.

Mr. THOMPSON. What do you pay for overtime?

Mr. SULLIVAN. Double pay for overtime.

Mr. THOMPSON. When, with reference to regularity of employment—about how much during the year, the normal year, does a journeyman seem to have work?

Mr. SULLIVAN. That is a pretty hard question to answer, because it is pretty hard to tell what the normal year is. Some years are boom years, and others are bad years; that is about the way it works out.

Mr. THOMPSON. Take this year, for instance.

Mr. SULLIVAN. Why, at the present time we have at least 50 per cent of our membership out of work.

Mr. THOMPSON. How about last year?

Mr. SULLIVAN. The same.

Mr. THOMPSON. Well, the year before, if you know?

Mr. SULLIVAN. The year before that, during the latter part of it, I should judge was a 100 per cent year during the last six months of it—during the last six months, running up possibly to the 1st of February, 1913. I think we had all our members working.

Mr. THOMPSON. Does your union provide for benefits for its members?

Mr. SULLIVAN. Only a death benefit.

Mr. THOMPSON. Is that paid out of the regular dues, or is it a special assessment levied upon the members?

Mr. SULLIVAN. An assessment upon the members.

Mr. THOMPSON. How much is the death benefit?

Mr. SULLIVAN. \$200.

Mr. THOMPSON. What kind of examination must the applicant undergo for admission to your union?

Mr. SULLIVAN. An ordinary blackboard examination—drawing examination on the blackboard.

Mr. THOMPSON. Of what would that consist?

Mr. SULLIVAN. Just of the rudimentary principles of steamfitting and steam-heating, and so forth.

Mr. THOMPSON. Well, give us one or two of the rudimentary principles that they demonstrate on the blackboard?

Mr. SULLIVAN. Connecting up boilers and connecting up radiators, and how to connect up an engine, and so forth.

Mr. THOMPSON. You would not do any actual connecting?

Mr. SULLIVAN. No, sir.

Mr. THOMPSON. Is this examination demanded from other union members coming from other cities?

Mr. SULLIVAN. Yes, sir.

Mr. THOMPSON. What percentage of candidates pass the examination, and what percentage fail, do you know?

Mr. SULLIVAN. Oh, I should judge that exceeding 90 per cent pass.

Mr. THOMPSON. What happens to a union member coming from another city who fails in the examination?

Mr. SULLIVAN. I don't remember a case of a union member coming from another city who failed, therefore I can not answer that question.

Mr. THOMPSON. Well, do you think he would be permitted to work?

Mr. SULLIVAN. How is that?

Mr. THOMPSON. Would he be permitted to work without a card from your organization?

Mr. SULLIVAN. If he was a union member coming from another city he would get a permit card to work as soon as he came in and he would take the examination later; and I don't remember of any of them being rejected on the examination.

Mr. THOMPSON. What, in your opinion, is the need of an examination of a union member coming from another city?

Mr. SULLIVAN. Why, to determine his qualifications.

Mr. THOMPSON. Well, do you suppose that your organization admits members to the union in other cities who are not qualified to practice the trade?

Mr. SULLIVAN. I don't know much about that. Speaking from past experience—we are now in a new policy in the new national association which we have not been in only the last month, practically, four or five weeks. Before that time we had no reason to doubt their qualifications, but still they took the examination, anyhow, as a matter of form.

Mr. THOMPSON. Are the books of your union ever closed to the admission of members?

Mr. SULLIVAN. No, sir.

Mr. THOMPSON. Is it a fact that permits are given to helpers by your organization to work as journeymen during the busy season rather than to admit new members to the union?

Mr. SULLIVAN. I believe there was an occurrence of that kind about three years ago; but it has not happened since that.

Mr. THOMPSON. Has not happened since?

Mr. SULLIVAN. No, sir; not as far as I can remember.

Mr. THOMPSON. Is there any particular reason why it has not happened since? Do you admit the new members now?

Mr. SULLIVAN. It is more than three years ago; I am not quite sure of the date, but it is several years ago.

Mr. THOMPSON. Well, in a busy season, if a new member came along, you would admit him upon examination rather than to issue cards to helpers? Is that true?

Mr. SULLIVAN. Most assuredly; most assuredly.

Mr. THOMPSON. How is your examination board made up? Who are placed on it?

Mr. SULLIVAN. Why, they are elected annually.

Mr. THOMPSON. Is an employer ever placed on your board?

Mr. SULLIVAN. Not on our board; no, sir.

Chairman WALSH. How many members?

Mr. THOMPSON. How many members has your board—examining board?

Mr. SULLIVAN. Twenty.

Chairman WALSH. How frequently do they meet, Mr. Sullivan?

Mr. SULLIVAN. They meet on call, Mr. Chairman. They meet on call—seven being called and five to serve, whenever there are caudldutes.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

That will be all, Mr. Sullivan, thank you.

The commission will now stand adjourned until to-morrow morning at 10 o'clock to meet in the reception room opposite the mayor's office.

(Thereupon, at 4 o'clock and 17 minutes p. m. of Wednesday, May 27, 1914, an adjournment was taken until 10 o'clock a. m., Thursday, May 28, 1914.)

New York City, Thursday, May 28, 1914.

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, and Harriman.

(All of the morning session and a large part of the afternoon session was taken up hearing witnesses on the subject of mining industries of the United States. See testimony on that subject.)

TESTIMONY OF MR. BENJAMIN D. TRAITTEL.

Mr. THOMPSON. Will you state your full name and your residence?

Mr. TRAITTEL. Benjamin D. Traitte, Bretton Hall, New York City.

York; my business is interior marble work.

Mr. THOMPSON. Your business, please?

Mr. TRAITTEL. Long Island City, Borough of Queens, part member Greater New York.

Mr. THOMPSON. Is there a marble industry employers' association in this city?

Mr. TRAITTEL. There is.

Mr. THOMPSON. What office do you hold in that?

Mr. TRAITTEL. I am president.

Mr. THOMPSON. How long have you been president?

Mr. TRAITTEL. I am in my second term—about a year and a half.

Mr. THOMPSON. Before that had you been a member of that association for any length of time?

Mr. TRAITTEL. For a number of years.

Mr. THOMPSON. About how many years?

Mr. TRAITTEL. Oh, perhaps a dozen.

Mr. THOMPSON. Mr. Traitte, it has been stated here by some of the witnesses that there is an agreement existing between the union and your association by which marble which is not cut in the city of New York or in the territory covered by that agreement can not be erected?

Mr. TRAITTEL. There is no such agreement; I have the agreement here, printed.

Mr. THOMPSON. Would you be willing to file a copy of it with the commission?

Mr. TRAITTEL. I have already done so, through one of your representatives.

Chairman WALSH. With Mr. Witte, Washington?

Mr. TRAITTEL. Yes.

Chairman WALSH. We will have it marked.

(Received and marked "Traitte Exhibit No. 1")

Traitte Exhibit No. 1, "Labor agreements of the Marble Industry Employers' Association of New York and vicinity, as of December, 1913, with Reliance Labor Club and Marble Cutters' Helpers, expiring July 1, 1915, the Whitestone Association, expiring July 1, 1916," was submitted in printed form.)

Mr. THOMPSON. I would like to have you state briefly, Mr. Traitte, the provisions in that contract relating to the erection of other marbles?

Mr. TRAITTEL. We deal entirely with unions in the several branches of our industry under trade agreements. The unions refuse to set any marble that is prison made or made at the quarry, other than treads, platforms, and tiles, or that is made in Europe, other than that which is received by the Government as antiques. Now, then, we believe that the union is justified in the position that they take. We pay the highest wages in the United States, and because of that reason, perhaps, attract the most skilled workmen. In nearly all the other States in the United States where this class of work is done it is done at a very much lower price, with few, if any, of the shops unionized. The work that is made abroad is paid for in francs, where we pay for it in dollars.

Our taxes are higher here; land is costly; living is costly. The men must have and do get better wages than elsewhere. We employ no women in our work. In Buffalo they employ them at \$1.50 a day, where we pay \$4.50 to men. In other words, the conditions in the city of New York are such that if these men permitted the work made by low-priced labor to be brought into the city of New York there would be no employment for them here at the prices that are paid them, except the setting of the work.

Mr. THOMPSON. Assuming, Mr. Traitte, that marble was made in other States by union men, under conditions similar to those which pertain in this city, would the union men in this city erect such marble?

Mr. TRAITTEL. I think they would; and I believe the employers would stand right with them on it.

Mr. THOMPSON. Is there anything in your agreement with the union in reference to that matter?

Mr. TRAITTEL. Nothing except this, that anybody can become a member of our association who has a plant; and a plant is defined as an extremely small one—a rubbing bed and a planer, I think, which is practically only the very beginning of a plant. We want everybody in our association, if we can get them, for the reason that we make trade agreements with the unions, and we want the conditions uniform, so that in estimating we at least have a uniform cost of labor as a starting point.

Mr. THOMPSON. In regard to the admission of members to your organization, those people have to be engaged in business in this city, do they not?

Mr. TRAITTEL. They have to have their plant within Greater New York.

Mr. THOMPSON. Now, Mr. Traitte, if a contractor or a marble manufacturer had his plant outside of the city of Greater New York, would he be permitted to carry on his business here under the conditions I have named, whereby he employs union men—

Mr. TRAITTEL. The man who preceded me, and who was president of our association for a number of years, has his plant in New Jersey.

Mr. THOMPSON. But is the plant located within the territory of your agreement?

Mr. TRAITTEL. Yes, sir. Within 25 miles.

Mr. THOMPSON. I mean to say outside of the territory covered by your agreement?

Mr. TRAITTEL. We would not admit to membership a man whose plant is 25 miles outside of our territory. We have members in Newark, we have members opposite Fort Lee in Jersey. I think they are the only ones outside of Greater New York.

Mr. THOMPSON. But I want to be clear and definite on this question, because we have some previous testimony in regard thereto from an architect here. Assuming that an outside manufacturer, one beyond the boundary of your agreement, wished to come in here and desired to erect marble cut under union conditions and by union men, would he be permitted to do it?

Mr. TRAITTEL. So far as the marble industry employers' association is concerned, they would have no voice in it so far as the union is concerned, I am inclined to believe that they would set work cut under the same conditions as it is cut here.

Mr. THOMPSON. It has been stated here that Vermont marble is practically shut out of the city of New York. If that is a fact, what are the reasons for it, if you know?

Mr. TRAITTEL. Well, that is a broad statement, and it is not borne out in fact. Vermont manufactured marble, other than treads, platforms, and tile, is in a measure shut out.

Mr. THOMPSON. What do you mean by in a measure?

Mr. TRAITTEL. Why, there is lots of it comes in and is set. It is not supposed to be set. The unions are not supposed to set it, because Vermont is entirely nonunion, entirely.

Mr. THOMPSON. And the reasons which you have given generally in justification of the contract which the union has made with your association, would apply in favor of the exclusion of such Vermont marble as is nonunion made, I take it?

Mr. TRAITTEL. As is nonunion made, that is correct.

Mr. THOMPSON. In the year 1904, Mr. Traitel, did your organization here in New York, the Building Trades Employers' Association, make an agreement with the Builders' Exchange League, of the city of Pittsburgh, with reference to concerted action in dealing with union men at that time?

Mr. TRAITTEL. I have no recollection of the nature of an agreement, if one was made. There may have been some kind of an agreement made, but I don't remember it. That is 10 years ago.

Mr. THOMPSON. I would like to ask you to look at the copy of an agreement which I hand you, and see if that would refresh your memory? (A paper was handed to the witness.)

Mr. TRAITTEL. If this is a true copy, with my name, I assume that it was made.

Mr. THOMPSON. Does it appear to be a true copy, so far as you can remember?

Mr. TRAITTEL. It is 10 years ago. I will assume that it is a true copy, for the sake of the argument, sir.

Mr. THOMPSON. Now, Mr. Traitel, I would like to ask you to give to the commission the reasons and the purposes for the making of that agreement, and for how long a time it continued in force?

Mr. TRAITTEL. All of the agreements, of whatever nature, that were made with the Building Trades Employers' Association at that time had but one object in view; that was to force the unions into an agreement to arbitrate all differences, and so eliminate strikes and lockouts. We started that in 1903, I think in July, and it was a fierce fight for a time, but we brought it around. We had a convention at which both sides were represented, the labor organization and the employers' sides, who framed an arbitration plan that, up to a very few years ago, gave us an industry with peace where before that we had had an industry with strife. That was the whole object of it; no other object.

Mr. THOMPSON. Is this agreement in existence to-day?

Mr. TRAITTEL. No.

Mr. THOMPSON. When did it expire, and how, if you know?

Mr. TRAITTEL. As a matter of fact, I don't believe that any agreement with Pittsburgh, or any other city, was ever put in force.

Mr. THOMPSON. Then it simply died from disuse?

Mr. TRAITTEL. Never was made use of.

Mr. THOMPSON. You say, Mr. Traitel, that the agreement that you finally got with the unions here brought a greater measure of peace than you had had before? "

Mr. TRAITTEL. Yes, sir.

Mr. THOMPSON. And have had since?

Mr. TRAITTEL. Well, it has brought us a great measure of pence, even though it has been overthrown. A great many unions still seem to be agreeable to work under it; that is, what is left of it.

Mr. THOMPSON. The troubles which you mostly had here were jurisdictional troubles, were they not?

Mr. TRAITTEL. Before the organization of the Building Trades Employers' Association we had a great many jurisdictional troubles, but we, too, were troubled with unscrupulous, a few unscrupulous labor leaders who were exacting tribute, they were creating strikes, and for graft would stop the strikes, regardless of how it affected the men as long as it brought the money to their pockets. I want to say that there were but few, because I know many of the labor leaders of New York that I have always believed to be honest, and still so believe. There were a few we know of that were; we had some of them punished.

Mr. THOMPSON. Does that system of grafting of which you have spoken exist in New York to-day in your trade?

Mr. TRAITTEL. Not in my trade, and I doubt whether it exists to any extent in any other. We have never been troubled in the marble industry with crooked men to deal with.

Mr. THOMPSON. Did you know of the work done under the arbitration plan?

Mr. TRAITTEL. I helped to frame it.

Mr. THOMPSON. And of the disputes handled thereunder?

Mr. TRAITTEL. I do.

Mr. THOMPSON. A great many of those disputes were jurisdictional disputes?

Mr. TRAITTEL. A very large number.

Mr. THOMPSON. Have you an opinion as to the best method of handling jurisdictional disputes in the building trade?

Mr. TRAITTEL. Through arbitration, with local arbitration boards.

Mr. THOMPSON. It has been stated here, Mr. Traitte, by some of the witnesses, but that could be handled best by local boards?

Mr. TRAITTEL. I agree with it.

Mr. THOMPSON. Other witnesses have stated that it could be handled best by boards having national jurisdiction.

Mr. TRAITTEL. I have no faith in national boards.

Mr. THOMPSON. Those national boards making allowance for local conditions?

Mr. TRAITTEL. I don't believe that any national board could settle a jurisdictional fight, because that is what it is, satisfactorily to any of those interested in it. The people to settle trouble of that kind are three: The labor involved, the employer in the industry, and the public represented in some way, because if three are affected.

Mr. THOMPSON. Do you do work elsewhere than in this city, Mr. Traitte?

Mr. TRAITTEL. Yes, sir.

Mr. THOMPSON. Are you generally aware of the conditions existing in the building trades throughout the United States? I do not mean specifically, but in a general way?

Mr. TRAITTEL. I have a general knowledge; yes, sir.

Mr. THOMPSON. In a general way, the jurisdictional fight between the plumbers and the steam fitters has probably been the longest and most fiercely contested of all jurisdictional strikes in the building trades in this country, has it not?

Mr. TRAITTEL. I think that is correct.

Mr. THOMPSON. Is it not a matter of fact that that, the fiercest of all the conflicts, was settled, and only apparently could be settled, by a national body, and that this national body in its settlement adjusted the settlements to the requirements and conditions in each city?

Mr. TRAITTEL. I am not prepared to answer yes or no to that inquiry. The fight between the plumber and the steam fitter differs very materially from most jurisdictional fights; and, if you desire it, I can give you some concrete illustrations.

Mr. THOMPSON. That is all I have.

Chairman WALSH. If you could do that briefly, give some concrete illustrations just showing the difference, I would be very glad.

Mr. TRAITTEL. The mosaic tessera, used for pavements, etc., up to a comparatively few years ago was made of either glass, marble, or stone, perhaps terra cotta, and was all set by what was known as the mosaic union, mainly Italians. Then there was introduced a small earthenware tile, vitrified, exactly

in dimensions and in general appearance like the material that the mosaic worker had been using for making ornamental work and settings. The tile setters claimed that was their work, because it was a clay product, and they were setting clay products. The mosaic worker, because it was termed mosaic tessera, claimed it as their work. I happened to be the first employer attacked who employed both sets of men. I told both sets that, inasmuch as it was an earthenware tile, I would leave it for the time being with the tile setter. At that time we had no arbitration board. I said, "Settle it among yourselves as to whether it belongs to one or the other, and I will then follow; give it to the trade that you determine through your central body that it belongs to." There was a determination first that it belonged to one side; later that it belonged to the other side. One side claimed that the other side paid more money for the decision. I know nothing about it. That was the clay. That never was really settled until the employers in the trade and the workmen in the trade came together, because the employer was as largely interested as the workmen. It was settled, and it has remained settled ever since.

The employers are qualified to know where the border line is, and the workmen are well qualified. When they can not agree a third disinterested party can be brought in and a brief presented on both sides, and that third disinterested party can determine; and in nearly all cases the men with whom we deal in New York, with whom we have trade agreements, have abided by those decisions. Arbitration is the spirit here to-day. Workmen demand it just as well as we employers demand it. In my trade we have a trade board. We bring everything together there; every complaint against the employer and against the men and thrash them out, and in almost every case settle them there. We have but one case, I think, that is going to an umpire—that is the case of a time clock.

Mr. THOMPSON. Take the case you state in your own trade. Mr. Alpine, the president of the International Plumbers' Association, stated that for years there has been strife in that trade in the various cities of the United States; that it has been a very fierce struggle, and yet in none of those cities apparently had that struggle been settled either by the two contesting union sides or by the employers, yet when a national body undertook to make that settlement by the cancellation of the charter of one of the unions, than then the members of the local union in the respective cities, with the exception of two cities in this whole country, settled the controversy inside of 10 days.

Mr. TRAITEL. I think perhaps the reason that it has never been settled here is because, in the first place, the plumber claims that the steam-fitter trade was an outgrowth from the plumber's trade, and I am inclined to think that plumbing was an industry before steam fitting was known. Because you will find that plumbers lead pipes through the baths of Caracalla, in Rome—I have seen them there. Both industries are most highly specialized here, more so, I believe, than anywhere else in the United States.

Mr. THOMPSON. I want to draw your attention to this fact, Mr. Traitel, that a very quick settlement has been made by bodies when they dealt nationally, which apparently could not be made when they dealt locally as two independent bodies, and that this adjustment was similar in its character and nature to the adjustment you speak of in your trade.

Mr. TRAITEL. Well, that is true of many trades besides the steam fitter and the plumber. They have been able to adjust their differences outside of New York and in New York, in which they have been more highly specialized and have contended for their independence.

Mr. THOMPSON. I just want to ask one more question. Do you think a governmental national body that could take up this dispute, or similar disputes, from the standpoint of the public, and that could work by way of mediation with either local bodies in New York or national bodies, if such was the case, and assist by adding the moral force of the Government to the settlement of the dispute would help in those matters?

Mr. TRAITEL. I do not. I have no faith in it.

Commissioner LENNON. Are there any existing jurisdictional disputes now in your trade in New York City.

Mr. TRAITEL. Well, so far as—I guess I will have to answer that in a little different way from what you have asked the question. The bricklayer, as you understand it, is now claiming all work in which a trowel is used in the setting of it. That would take in interior masonry work as well as exterior work, brickwork, plastering, cement work, and wherever the trowel is used.

Commissioner LENNON. Has that demand become acute here in New York?

Mr. TRAITEL. Not in the city of New York. Outside of it, they are contending very much more determinedly for it.

Chairman WALSH. Are there any other questions?

Call your next, Mr. Thompson.

Mr. THOMPSON. I will call Mr. Carpenter.

TESTIMONY OF MR. THOMAS E. CARPENTER.

Mr. THOMPSON. Give us your name, your address, and your business, please.

Mr. CARPENTER. Thomas E. Carpenter. I reside in Brooklyn. I represent Barnard Glocker & Co., of Pittsburgh.

Mr. THOMPSON. What is their business?

Mr. CARPENTER. Kitchen equipment supplies, butcher supplies, and refrigerator manufacturers.

Mr. THOMPSON. You employ sheet-metal workers, I believe.

Mr. CARPENTER. Yes, sir.

Mr. THOMPSON. When did you first come to New York to handle the business for your firm?

Mr. CARPENTER. A year ago last April.

Mr. THOMPSON. At that time, or since, have you had any trouble with the sheet-metal workers of New York City?

Mr. CARPENTER. We have had trouble ever since we have been here.

Mr. THOMPSON. Tell us, if you will, of the first instance of the trouble, when it was and what was the trouble.

Mr. CARPENTER. On the Grand Central Terminal Building in the installation of Meindel's restaurant. Our trouble was caused there by our concern being an open shop or nonunion concern. They demanded that we unionize our product before it could be set in New York, which we did.

Mr. THOMPSON. Who asked you to do that?

Mr. CARPENTER. The local unions of New York City.

Mr. THOMPSON. Well, who on behalf of the union, if you know?

Mr. CARPENTER. The delegate.

Mr. THOMPSON. Well, who? What person?

Mr. CARPENTER. Mr. Butler.

Mr. THOMPSON. Mr. Butler?

Mr. CARPENTER. Yes, sir.

Mr. THOMPSON. When did he see you? How far had you gone along with the work, if at all?

Mr. CARPENTER. We had practically completed half of the job.

Mr. THOMPSON. You mean in the erection here?

Mr. CARPENTER. In the installation of the goods.

Mr. THOMPSON. In the installation of the goods?

Mr. CARPENTER. Yes, sir.

Mr. THOMPSON. When was this, about?

Mr. CARPENTER. I should judge about—do you mean the month?

Mr. THOMPSON. Well, about when?

Mr. CARPENTER. About July of last year.

Mr. THOMPSON. What did you do then?

Mr. CARPENTER. In what respect?

Mr. THOMPSON. What did he say to you and what did you do?

Mr. CARPENTER. We simply told him that we would unionize our plant.

Mr. THOMPSON. And did you unionize your plant, Mr. Carpenter?

Mr. CARPENTER. We did.

Mr. THOMPSON. Then what happened?

Mr. CARPENTER. Then the question was brought up that we could not do business in New York without establishing a factory here.

Mr. THOMPSON. Who brought that question up, and when?

Mr. CARPENTER. It was brought up by the president of the local union, two delegates that I met, and by the International president of the sheet-metal workers.

Mr. THOMPSON. What did they say to you at that time?

Mr. CARPENTER. They said that we would have to place a plant in New York, establish one, and manufacture goods before we could do business in this city.

Mr. THOMPSON. What did you say to that?

Mr. CARPENTER. We took it under advisement for the time being, and then we agreed to place a plant here if we had to.

Mr. THOMPSON. Well, did you?

Mr. CARPENTER. We did not.

Mr. THOMPSON. Did you complete the installation of the work?

Mr. CARPENTER. We did.

Mr. THOMPSON. Did you have any further trouble there?

Mr. CARPENTER. Not on that particular job.

Mr. THOMPSON. Were any of the other building trades working there at that time?

Mr. CARPENTER. Yes, sir.

Mr. THOMPSON. Did they go on a strike?

Mr. CARPENTER. They did not; not on our account. If there were any strikes, I knew nothing of them.

Mr. THOMPSON. Then you were permitted to complete your work?

Mr. CARPENTER. We were. I might state, though, that we sublet the installation of our work to another concern in New York City, employing union men, and also members of the builders employers' association.

Mr. THOMPSON. Why did you do that?

Mr. CARPENTER. To avoid any troubles.

Mr. THOMPSON. And was that the reason, in your opinion, that you have had no trouble?

Mr. CARPENTER. It was.

Mr. THOMPSON. What has been your experience in that regard since?

Mr. CARPENTER. Well, I don't get that question.

Mr. THOMPSON. Have you sought to install any other work here?

Mr. CARPENTER. Yes, sir.

Mr. THOMPSON. Have you had any difficulty about it?

Mr. CARPENTER. Yes, sir.

Mr. THOMPSON. Where, and what was the difficulty?

Mr. CARPENTER. I might cite one incident that happened about 30 days ago on the Railroad Y. M. C. A. contract. We took the contract to install the kitchen and the refrigerators in that building. A little later on, after we had received the large contract, we were awarded the smaller contract for erecting a smoke-stack through the center of the building. Not having a shop in New York, we sublet the second contract to a member of the employers' association employing union labor. I left for Pittsburgh, and I had been out of the city about 24 hours before they struck the job and took the men off the building.

As I understand it, there is an agreement that no mechanics can be taken off of a job without bringing it to an arbitration board of the employers' association and the union, which was not done in this case, and I believe it was not done in this case on account of it being the Bernard Goettker Co., of Pittsburgh. That is my personal opinion.

Mr. THOMPSON. Your company is not a member of the building trades association of this city?

Mr. CARPENTER. No, sir. We have applied for membership, but we do not maintain a factory in the city of New York, consequently we can not join this association.

Mr. THOMPSON. What is the condition of that work now, if you know?

Mr. CARPENTER. Continuing on that strike, it was declared off and the men were put back and we finished the work.

Mr. THOMPSON. Why was the strike declared off, if you know?

Mr. CARPENTER. That I couldn't tell.

Mr. THOMPSON. That you couldn't tell?

Mr. CARPENTER. No, sir. Possibly because they had no grounds for striking.

Mr. THOMPSON. Is that the only reason, or would you prefer not to tell the reason?

Mr. CARPENTER. That is the only reason that I know of. Although I might say that, in my opinion, and I have no proof, I think that our competitors in the city of New York have tried, through the influence of certain members of the sheet-metal workers' union, to hamper us as much as possible in doing business in this city.

Mr. THOMPSON. And that they do hamper you?

Mr. CARPENTER. And that they absolutely do.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Have any of the commissioners any questions?

Commissioner BALLARD. I would like to ask one question.

Did you say that your plant is now a union plant or a nonunion plant?

Mr. CARPENTER. It is now a union plant; yes, sir.

Chairman WALSH. Are there any other questions?

Call you next, Mr. Thompson.

Mr. THOMPSON. I will call Mr. Paulitsch.

TESTIMONY OF MR. FREDERICK PAULITSCH.

Mr. THOMPSON. Will you please state your name, your address, and your occupation?

Mr. PAULITSCH. Frederick Paulitsch, 843 Jennings Street, New York City.

Mr. THOMPSON. You are the local president of the sheet-metal workers' union here, are you not?

Mr. PAULITSCH. I am.

Mr. THOMPSON. For how long have you been president?

Mr. PAULITSCH. Since last October.

Mr. THOMPSON. Were you a member of the committee which called on Mr. Carpenter, the gentleman who has just testified?

Mr. PAULITSCH. I was, sir.

Mr. THOMPSON. Why did you call on him, and what did you say to him?

Mr. PAULITSCH. I called on him in the interest of my organization on the ground that his establishment at that time was nonunion, and that he was trying to do work in the city of New York to the detriment of my organization.

Mr. THOMPSON. Did he then, or did the company then make its plant in Pittsburgh a union plant, if you know?

Mr. PAULITSCH. They did organize their plant, as we are informed, through the firm and through our local in Pittsburgh.

Mr. THOMPSON. Did you then permit his work to be erected here?

Mr. PAULITSCH. We did.

Mr. THOMPSON. And you made no further objection?

Mr. PAULITSCH. No, sir; not at that time.

Mr. THOMPSON. At any later time did you make any objection to the erection of their work?

Mr. PAULITSCH. Well, we asked him at the time we met him first, told him that we would prefer that he establish a shop in the city of New York. He said at that time that they would take it under advisement. Later on, I met the representative of the firm, Mr. Gloekler himself, who assured me that on or about January 1 of this year they would establish a shop of that character in the city of New York.

Mr. THOMPSON. What interest had you, providing there were union men in their factory in Pittsburgh, in having them establish a factory here?

Mr. PAULITSCH. The interest that we have in that question is this: In the first place, 95 per cent of the members of our organization live in the city of New York, raise their families and educate their children here. We feel that we are in duty bound to take care of those men, so that they can find employment and be in a position to take care of their homes. Our work is a secular kind of work. We not alone erect, but we also construct. Therefore, most men that work at our trade settle in the city in which they work, because they are able to find both inside and outside work.

At that time the Gloekler concern was nonunion, had been so I believe for about 50 years, or since they have been in business. They had been paying their men, I understand, about 40 cents as a maximum wage per hour for nine hours. To come to an understanding with us, they agreed to unionize. They also agreed to put their men on an eight-hour basis, increasing their pay from 40 cents as a maximum to 62½ cents an hour for all work done to be erected in the city of New York.

We have an international organization that demands work to be erected in one town, that where the wages in the manufacture of that is less than in the town where it is to be erected, they must meet the wage of the town where the work is to be erected; but in a town where the wage is higher, we do not ask them to meet anything, because we know that they are paying it. To protect ourselves in that instance, we asked those firms to erect the shops in the city. We feel that when they erect their shops in the city of New York they would know then—that we would know then and that we are in a better position to know whether the men will receive our standard rate of wage rate.

You know it is a big jump for a concern to jump from a nine-hour basis to an eight-hour basis and to increase the pay of their men, as in this instance or this work in question, from about 40 cents an hour—that was the maximum—to 62½ cents an hour at an eight-hour basis. They have said they did that, and we believe they have. But we believe also that we are better able to control that end of the situation by having them establish a shop in this

locality. It is to the interests of our men, and I might say that it is to the interests of our employers, because our employers have their establishments here. They have the other expenses to meet, and everything else, and to do justice to them it is no more than right that their competitor, to my way of thinking, should be on an equal basis and in a position where all those who are interested in the situation know what is going on.

Mr. THOMPSON. Did you hear what Mr. Carpenter had to say in reference to the strike against that work in the Y. M. C. A. building?

Mr. PAULITSCH. I did.

Mr. THOMPSON. Who caused that strike, if you know?

Mr. PAULITSCH. I believe that one of our delegates told the men to refrain from erecting that work.

Mr. THOMPSON. On what account was the strike terminated, if you know?

Mr. PAULITSCH. I don't know how it was terminated. I understand that the work in question at this time had not been manufactured by the Glocker people; it was manufactured by a concern that was a member of the employers' association of this city; and, according to an understanding that we have with our employers, we can not take our men out on strike without first having a hearing on the question in dispute. If we do take our men out on strike without having a hearing on the question in dispute, we are compelled to return them to work before there is a hearing had, and in this instance the delegate took this upon himself and ordered the men out without a having a hearing. He was ordered to return them, and I believe he did. I don't know what agreement the trade board came to on that question. I have not heard. I don't know whether they ever decided on it, but I understand that the reason that the strike was called was because of the unfulfilled promise of the Glocker people to meet the request of our organization when we first negotiated with them—had negotiations with them.

Mr. THOMPSON. Mr. Paulitsch, if a manufacturer of sheet-metal work, with his factory outside of New York City and outside of the territory controlled by your organization—your local organization—should manufacture that sheet-metal work with union men, members of your international organization—

Mr. PAULITSCH. Yes, sir.

Mr. THOMPSON (continuing). Should pay them New York wages and give them New York hours and conditions, but had no factory here, would your organization seek to prevent the installation and the erection of that material?

Mr. PAULITSCH. No. I don't say that our organization will stop the erection or refuse to erect that work; but what organization will do, or does do, in a matter of that kind, is to request that employer to erect his shop in New York, and work along those lines.

Mr. THOMPSON. But, assuming, of course, that he does not do it. My question assumes that.

Mr. PAULITSCH. Yes, sir.

Mr. THOMPSON. That he does not build a plant here, or have a plant here, but goes right on and is intending to go on and supply sheet-metal work without a factory here; what would be the attitude of your organization?

Mr. PAULITSCH. Up to the present time, wherever that has occurred, we have continued the work of that nature, but not with the same spirit, I suppose, that it would have been erected had the plant been in the city of New York.

Mr. THOMPSON. What do you mean by "not erect it with the same spirit"? Do you practice sabotage?

Mr. PAULITSCH. The men always question—doubt—the statement whether the work was manufactured at the prevailing rate of wages. There is always a question of doubt.

Mr. THOMPSON. How do they question it?

Mr. PAULITSCH. Because of the difference in the pay in the most of the towns, due to the great difference in hours.

Mr. THOMPSON. How does that question affect the work? Do they work differently? Do they work less speedily? Or how does that influence their relations with the employer in that case?

Mr. PAULITSCH. Well, I don't know whether they work less speedily or not, but I do know that they complain on the floor of the organization about things and make the firm live more rigidly to the agreement where a firm, in all things like that—there are a thousand and one ways of doing things.

Mr. THOMPSON. In other words, they tried to make it to the advantage of the firm to establish its factory here.

Mr. PAULITSCH. Not exactly.

Mr. THOMPSON. The I. W. W. would probably call that the practice of sabotage inside the shop?

Mr. PAULITSCH. Probably it is.

Mr. THOMPSON. Have you an agreement with the employers' association in your trade?

Mr. PAULITSCH. We have.

Mr. THOMPSON. In which your members agree to work exclusively for members of the employers' association?

Mr. PAULITSCH. No, sir.

Mr. THOMPSON. That is all.

Chairman WALSH. At this point we will adjourn until 10 o'clock to-morrow morning. Mr. Carpenter, if you will come back to-morrow morning, if you wish to supplement your testimony, we will let you do it the first thing.

Mr. CARPENTER. Thank you.

(Thereupon, at 4:30 p. m. on May 28, 1914, an adjournment was taken until Friday, May 29, 1914, at 10 a. m.)

NEW YORK CITY, Friday, May 29, 1914.

Present: Chairman Walsh, Commissioners Garretson, O'Connell, and Ballard. Chairman WALSH. The commission will please be in order. Call your first witness, Mr. Thompson.

Mr. THOMPSON. Is Mr. Carpenter here?

(No response.)

Mr. THOMPSON. Is Mr. Collins here?

Mr. COLLINS. Yes.

Mr. THOMPSON. May I state to the commission that the painters have requested that their matters be taken up here on the latter part of our program, and we waited until yesterday to assign them a place, as we thought we would have a little extra time for them; and now I would like to put them on out of the ordinary order.

Chairman WALSH. One moment. Have you finished with the witness that was on last evening?

Mr. THOMPSON. I had finished; but Mr. Carpenter asked the privilege of coming back.

Chairman WALSH. Is Mr. Carpenter here?

Mr. THOMPSON. I have called for him and he is not here.

Chairman WALSH. Now, we have a program here with a list of witnesses for Friday, beginning with Mr. Carpenter. Has this change about the painters been made since this list?

Mr. THOMPSON. The painters appeared here several days and asked for a hearing, and we looked over the program, and there is a little slack, as we thought, for yesterday, and we put them on; but, of course, they were crowded out by the hearing in regard to the Colorado situation.

Chairman WALSH. I was just going to say, what would be your idea or suggestion of putting the regular program through before we reach the painters to-day?

Mr. THOMPSON. That would be possible, Mr. Chairman; but as the painters were here all day yesterday in attendance——

Chairman WALSH. Were they intended to be called yesterday?

Mr. THOMPSON. Yes, sir; they were.

Chairman WALSH. Well, whatever you do is all right. Go ahead.

Mr. THOMPSON. Mr. Collins, take the stand.

TESTIMONY OF MR. JOHN J. COLLINS.

Mr. THOMPSON. Give us your name.

Mr. COLLINS. John J. Collins.

Mr. THOMPSON. Give us your residence, Mr. Collins, and your occupation.

Mr. COLLINS. My home residence is 232 East Eighty-eighth Street; my occupation is a painter; I am titled president of the New York District Council, No. 99.

Mr. THOMPSON. How long have you been the president of your organization?

Mr. COLLINS. Since the 23d of April—filling an unexpired term.

Mr. THOMPSON. Twenty-third day of April of this year?

Mr. COLLINS. Yes, sir.

Mr. THOMPSON. Were you president before that time?

Mr. COLLINS. Not of the district council.

Mr. THOMPSON. Well, what office did you occupy before that time?

Mr. COLLINS. I am president of a local of 1,000 members—a local of the district council.

Mr. THOMPSON. For how long?

Mr. COLLINS. I have been this latter term of six months. Previous term of four months—an unexpired term on the resignation—and then by election six months prior to that.

Mr. THOMPSON. How long have you been connected with the painters' union in New York City?

Mr. COLLINS. About 11 years?

Mr. THOMPSON. Do you know of its agreements with the master painters' association?

Mr. COLLINS. Yes, sir.

Mr. THOMPSON. Are you acquainted with the conditions of the trade in that respect?

Mr. COLLINS. Yes, sir; in detail.

Mr. THOMPSON. How many members has your organization in and around New York City?

Mr. COLLINS. Approximately 11,000.

Mr. THOMPSON. Is there any other organization of journeyman painters in this city?

Mr. COLLINS. There is an organization known as the international painters.

Mr. THOMPSON. About how many members has that organization?

Mr. COLLINS. Positively I don't know; they approximate sometimes 3,000 and multiply it to 12,000; but we have no exact knowledge; I haven't.

Mr. THOMPSON. Is that organization affiliated with the executive council of business agents?

Mr. COLLINS. No, sir; it is not; an independent organization.

Mr. THOMPSON. Is it affiliated with the American Federation of Labor?

Mr. COLLINS. It is not, sir.

Mr. THOMPSON. Is it affiliated with any union body?

Mr. COLLINS. Not as I know of. But it is assumed that they are members of the Hebrew Trades, designated as central-body trades here. I haven't that knowledge, but only that assumption.

Mr. THOMPSON. Is your organization part of an international union?

Mr. COLLINS. Yes, sir.

Mr. THOMPSON. What is the name of the international union?

Mr. COLLINS. Brotherhood of Painters, Decorators, and Paper Hangers of the United States and Canada, and practically one local in Hawaiian Islands.

Mr. THOMPSON. Affiliated with the American Federation of Labor?

Mr. COLLINS. Yes, sir.

Mr. THOMPSON. Did your organization at one time have an agreement with the master painters' association?

Mr. COLLINS. I don't know of them having a written agreement only with the interior decorators, known as the Fifth Avenue firms doing high-class decorating. We did have an agreement with them, but I have no knowledge of any agreement with the master painters, known as the house painters.

Mr. THOMPSON. Well, did your organization come under the scope of what is known as the arbitration plan of the employers' association?

Mr. COLLINS. We were part of the plan and connected therewith.

Mr. THOMPSON. Well, we understand from Mr. Eldlitz that that plan covered only organizations and unions that had agreements with the respective masters in the trade or industry?

Mr. COLLINS. That is true in particular, but not in whole. The plan provides for those without agreements can be affiliated. The plan stipulated that—the copy of the plan.

Mr. THOMPSON. Then when your organization came under the operation of that plan you were only partly affiliated with the actual written agreement, and that was with the interior decorators?

Mr. COLLINS. In part; yes, sir. But we were bound—I might qualify that answer by saying that we were bound by the plan as subscribing to it.

Mr. THOMPSON. How did you ascribe or subscribe to the plan?

Mr. COLLINS. We became parties to the plan by agreement. That plan of arbitration thereby entered into our agreement.

Mr. THOMPSON. Did you agree in writing?

Mr. COLLINS. Yes, sir; we agreed in writing, as an organization, to be bound by the principles of the plan and its operation.

Mr. THOMPSON. I see. Did you have any arbitration proceedings arise under that plan affecting your interest?

Mr. COLLINS. In October, 1905—October 20—yes, sir; only wages.

Mr. THOMPSON. What was the subject?

Mr. COLLINS. The question of wages.

Mr. THOMPSON. How was that determined under that plan, if you know?

Mr. COLLINS. On the 22d day of September, 1905, we made a demand upon our employers in and under the plan—namely, the organized employers—for an increase from \$3.50 a day to \$4, and \$1.50 for decorators. The employers denied our request, and it became a matter of arbitration under the plan. The arbitrators selected, two from the labor side, namely, two who were outside of their own trade, and the employers selecting two employers that were not interested. That was done in this case. Mr. Tucker, of the employers, and Charles J. Kelly, representing the employers, and Mr. Tom (?) McElligott, representing labor, and Thomas J. Whalen. That committee was called together by the plan which called for the question in dispute to be signed. The question in dispute was a question of wages. A counter proposition by Mr. Trattel, who preceded me here on the stand yesterday, was counsel for the master painters. I was counsel for the laboring men. And we stipulated a counter proposition that helpers be employed and that the day's work be stipulated for paper hanging, renewing the original proposition, and that we do piecework for a price list according to the quality of the goods and the day's work as I detailed previously. We objected to the introduction of anything foreign to the plan provided for. Section 22 specifically states, under the plan, that anything in the possession of a trade is not a subject of arbitration. We contended that arbitration would not be fair and equitable if there was the introduction of any matter other than the question prepared.

We disputed in the committee and the committee had referred it to the executive board, which I might say I was a member of for six months, and they stipulated—

Mr. THOMPSON. Just a moment. As I understand, there were two arbitrations, were there not?

Mr. COLLINS. Two arbitrations. There is a general arbitration board.

Mr. THOMPSON. But your matter came up for arbitration twice, did it not?

Mr. COLLINS. No, sir. First, primarily, it came before the executive board for their consideration upon complaint. We have a complaint under the plan, file a violation, or when it becomes a complaint it is in the same form as a violation, and the executive board of 12 consider the matter and then send to a special board, if they can not agree.

Mr. THOMPSON. To make clear what I have in mind, I will state this to you, that I have been informed and understand that your matter came up under this arbitration plan for arbitration, and that a finding was made in favor of your organization under the wage proposition; that then again the matter came up, how, I am not informed, some months later, on either the protest or request or petition of the master painters, but a new arbitration was had and there a finding was made in favor of the master painters on the wage proposition.

Mr. COLLINS. You have it quite right, counsellor. The question of the interior decorators, only a minority part of the plan had agreed without arbitration to grant our raise for some years prior to this arbitration and was in vogue, wages. They objected to being penalized for paying wages higher than the master painters; that the minority should not be subjected to the majority without receiving the same wages. There was no arbitration in that question. There was a prior one of which we were members, and we set in with the interior decorators and agreed to submit the whole question to the master painters and interiors decorators upon one demand. That grew out of the proposition which you mentioned.

This question went back to the executive board, which have a right to stipulate the question in dispute for arbitration under and by the provisions of the plan. The question then of Mr. Trattel, as counsel for the master employing painters, stipulated that unskilled labor be employed as in others known as helpers or improvers, to wash off ceilings, wash off woodwork, prepare the work, which is two-thirds of our work, preparatory work to the finishing coat. We denied the right of the general arbitration board or executive board to take from us anything that we took years of labor, energy, and toll to earn

and maintain. We strenuously objected—I did, as a member of the executive board. We then stipulated—it came back to the committee again on that point, and then they stipulated removing the objectionable part of the laborers and helpers and made a distinction without a difference, that rough work of washing off ceilings and walls, and that the question be submitted on those lines.

We still protested, but in order to show a part of fairness we signed the stipulation, in order to obviate any strike, which was uppermost in the men's minds, and as we had subscribed to the arbitration we wanted to be loyal, and the matter went to arbitration on October 20 and continued up until December when I, as counsel for the painters, requested an extension of two weeks, or about 20 days, as I was unable to go ahead and did not desire to place the matter with some one else unfamiliar with the case. We went down to Memphis, Tenn. Upon returning and later in the first part of January we took the matter up again and the question went on the same lines as previously stated. There are over 310 pages of documentary evidence taken by stenographers, the notes which I have before me, and in the interim a strike arose over the question. Let me qualify that: That the system of the plan recognized before any demand was made that the piecework was a fact. We had reason to believe that one firm in this city was paying day's work and hiring men for less than the stipulated conditions on which they had subscribed to the plan, which was a violation. That arose, and on coming back there was a strike. Unbeknown to me, Mr. Truitt objected. Mr. Eidlitz on the stand—I heard him the other day strenuously state that he refused to arbitrate with a trade that is on strike. We will grant that, but he did not state the cause. The violation was on the part of the people who had subscribed to the plan primarily, the employer, and the cause was there but did not show the effect.

I was opposed, as counsel, to any strike, didn't know anything of it, and immediately upon the adjustment of the matter a complaint was made in the regular order to the plan of arbitration through its executive board, that there was a violation, which is the law, an absolute law. The executive board, through the employer, took no cognizance of the strike, and no evidence offered that there was any violation, but the fact that the men were out on a strike of their own volition, the board, after investigation, ordered that the same conditions that prevailed previous to arbitration be restored. We immediately complied with the requirements. The hearing of it went on for a period of some four months. Mr. Eidlitz mentioned very specifically that the drawing of the matter of arbitration out in the settling of disputes is one of the features that is bad. It is very bad, which I will prove later. Then the decision came at the final end on February 6, 1906—October 20, 1905, it started; February 6, 1906, it concluded, and it was March of that same year before we got a decision from the umpire.

By the way, a deadlock, our committee deadlocked and laid aside and the employers did not agree. It was then sent to the umpire. The umpire was in Florida sojourning for some months. The trade was in a most chaotic condition. The plan was not put in immediate action, and they were probably in a frame of mind tending toward a strike, which nobody could allay. Mr. Smith rendered his decision about March of that following year, making practically a period of seven or eight months that this arbitration was going on. That decision rendered was that paper hangers were to do day's work; that the painters were to work \$3.50 a day, which they were already getting; that the decorators would receive \$4 a day; and that the helpers would be introduced to wash off ceilings and walls. That is the cause. The effect, a referendum vote was taken in our organization and we struck, a strike of approximately 7,000 men in this city went on strike, not against arbitration, not against the question of the decision upon wages, but against the violation, the taking of something and junking us do something that we always had possession of—that is, the greater percentage of our trade was annihilation, taking away from us, and under the mandates of application or misapplication of the plan, was making us observe. It has been stated that the employers would never enforce that decision. It was there ready for enforcement, under the arbitration plan to enforce it.

Now, that is the plan of that arbitration.

I want to take up briefly to-day—we are in friendly relations with the employers of master builders—I am speaking of the master painters—and with our forceful action or aggressive action on the outside we have been able by trying to discipline some of the employers, and when I say discipline I say it advisedly, that employers that do not pay the wages, and there are many specu-

lators working for \$3 and \$2.50, and they take it at random upon a nonunion basis or open shop, and we try to have those men employed to join our organization and sign agreements, and try to be agreeable with them and in harmony, and we find often they even violate the agreement.

Mr. THOMPSON. Well, to go back to your arbitration proposition, I understand from your testimony you stated that you yourself agreed to this arbitration?

Mr. COLLINS. We subscribed to the plan of arbitration.

Mr. THOMPSON. Yes; subscribed to the plan; yes.

Mr. COLLINS. Yes.

Mr. THOMPSON. That you agreed to a restatement of the proposition of the road work.

Mr. COLLINS. No; we did not agree to that.

Mr. THOMPSON. Well, you said you agreed to that in order to go ahead with the plan.

Mr. COLLINS. I signed to make it a portion of our case. We did not agree to let the road work go on, but we still had our protest in, but we had no other course. I might qualify that, for I did not agree. The point that Mr. Eldlitz says, that this should be compulsory, if it were compulsory, we would have signed a paper and gone ahead.

Mr. THOMPSON. I understand that, but I want to get at the actual case and what was submitted to the umpire who made this decision.

Mr. COLLINS. The question submitted to the umpire was that paper in the case, which I would be willing to submit.

Mr. THOMPSON. He would have the right, would he not, under the plan of arbitration, to determine a case of a disagreement between both sides as to what was the condition of the trade prior to the time of the arbitration?

Mr. COLLINS. He would from the papers in the case.

Mr. THOMPSON. He would have the right to say whether piecework prevailed as a condition of the trade, or whether day work prevailed, would he not?

Mr. COLLINS. On the papers presented, yes.

Mr. THOMPSON. And that is a chance that you take in going to arbitration on that proposition?

Mr. COLLINS. We had no alternative; it became compulsory, other than in striking, and we did not want a strike. We took the line of least resistance.

Mr. THOMPSON. I just want to bring out the facts.

Mr. COLLINS. That is the fact.

Mr. THOMPSON. Where there is a question of fact to be determined and where there are two conditions in existence, the master painters contend day work prevailed in New York, and perhaps adduced evidence to show that, and you, on the other hand, contend that piecework prevailed, and probably have facts supporting that?

Mr. COLLINS. We did.

Mr. THOMPSON. It was up to the umpire to determine which one prevailed?

Mr. COLLINS. Yes; presented to the umpire.

Mr. THOMPSON. As to the preponderance of cases?

Mr. COLLINS. Yes, sir.

Mr. THOMPSON. Have you now an agreement or have you had at any time since that arbitration, with the master painters' association? I think you have said no.

Mr. COLLINS. We haven't any, but we have had five conferences of three-hour sessions pending toward an adjustment, and the only point interfering with them making an agreement to-day, the question of fine levied during the strike of 1908, that followed this other strike, and the question of temperament between both sides as to what would be the medium of cost.

Mr. THOMPSON. So far as you know, are both sides willing to come to an arrangement?

Mr. COLLINS. They are willing, aside from the referendum of our membership, that they object to taking off the fines, and the employers demand the fines be taken off. In other words, the employers agree to protect those men that stood by them during the strike, and the employees, the laboring men, contend they have a right to punish members of their organization for violation. A question of principle on both sides.

Mr. THOMPSON. Assuming that those members should agree that those fines would stand, you then would be willing to make an agreement and come under the general common law that prevails in the building trades to-day?

Mr. COLLINS. We would.

Mr. THOMPSON. That is all.

Mr. COLLINS. I want to state that I have a particularly important matter I would like to state to the commission. We have here, Mr. Chairman, in this city, a question of law, and as the commission is trying to determine a question of law for Congress, I would like to suggest we have a law here, or in fact, a case in point where \$180,000,000 is being expended upon a subway. That is, material and labor is involved. The painters had a hearing before the labor commission, or two hearings, and I presented the case to the labor commissioner deputy sitting, and they decided in our favor. The \$180,000,000, approximately 5 per cent, would give us \$9,000,000 for labor—painters. That work is being done now, and we are objecting, the painters are, to the fact that labor men are doing that work for \$2 a day painting the structural iron-work in the subway. We presented our case, and the labor commissioner decided they are just, and our decision was a proper one, but it was in defiance of the law, and he was only sitting in an advisory capacity, and it was sent then to the public service commission and they sat and took prima facie evidence as to the whole matter, which is a prima facie case, and they decided against us. The comptroller, who has control of the funds of the city, withheld the funds of the contracting party, and inside of 17 days from the hearing of the public service commission decision, the comptroller makes a decision in the same way.

Now, the point I am getting at, the labor commissioner under date of the 7th day of April, sent down an emphatic protest against the public service commission and against the comptroller for releasing any money in violation of their findings. They put another construction to it. The point I want to make is that, with a large operation in a municipality like this, with \$94,000,000 of the city money being expended, there isn't but about 30 per cent of the labor being paid even the standard wage of any trade. That is a broad statement that can be proven, and the painters desire and are going to take this case to the highest tribunal in this State. They are going to appeal to the governor, and appeal to every extent to win in this case. In fact, they have exhausted their remedy within the law—that is, within the law as provided in the municipality—and will take it to the State, and if the State commissioner can not decide which is a violation, we feel there is something evidently wrong. I have one case that took seven months to prepare, and we were granted the prevailing wage, the municipality pays the prevailing wage, which has been established by law and established by a matter of fact, and the commission states we have not made out a case.

Commissioner LENNON. Will you submit to us a statement of the case and documentary matter which has to do with it?

Mr. COLLINS. Yes, sir; I will get a copy of the labor commissioner's decision, and I might say I will be pleased to, and I will go to my office and have it forwarded to the commission to-day.

The other point I want to make is the fact that the labor commissioner's decision and the investigation I made personally with two witnesses, we were aided by the confidential agent of the labor commission, Mr. Whitney, and they submitted to the commission, they stated to him \$3 a day, but they found \$2.50 a day.

Chairman WALSH. We will be very glad to have you submit that information.

Mr. THOMPSON. Mr. Chairman, yes, sir. Mr. Hogan, official representative of the marble workers' union, asked if he might be excused on account of the other matters that were being heard, and I said he might and should appear to-day. I understand he is here now, and I would like to put him on.

Chairman WALSH. Put him on.

TESTIMONY OF MR. STEPHEN C. HOGAN.

Mr. THOMPSON. Will you please give us your full name, address, and occupation?

Mr. HOGAN. Stephen C. Hogan; business address, 409 East One hundred and forty-ninth Street.

Mr. THOMPSON. And your occupation?

Mr. HOGAN. Marble worker.

Mr. THOMPSON. Are you connected with the International Association of Marble Workers; and if so, how—what position?

Mr. HOGAN. General secretary-treasurer of the international.

Mr. THOMPSON. How long have you held that position?

Mr. HOGAN. Nine years.

Mr. THOMPSON. Are you acquainted with the conditions of that trade in New York City?

Mr. HOGAN. Yes; about as familiar with it as in any part of the country.

Mr. THOMPSON. It has been stated here, Mr. Hogan, on the witness stand, that the members of your organization will not set or erect marble that has not been made by union people. Is that correct?

Mr. HOGAN. In localities where union conditions prevail; yes.

Mr. THOMPSON. It has been stated, for instance, that you will not set marble, quoting from rule 5 of page 9 of the agreement which Mr. Traitel testified existed between your organization and his, it states:

"The party of the second part will not work any marble manufactured by convict labor or manufactured marble imported into the United States, except antique mantles, or marble furnished outside of New York for use in the vicinity of New York or vicinity other than domestic marble for tiles, trends, and platforms, not more than 2 inches thick; and such tiles, treads, and platforms shall not be convict manufactured."

Is that the rule of your organization?

Mr. HOGAN. No; it is not the rule of our organization. It may be—I understand that that is a local agreement?

Mr. THOMPSON. Yes; that is the agreement which exists between the local organizations and the employers' organization in the marble trade.

Mr. HOGAN. Well, the only restriction that we have is—the international organization against the handling of material is—that the same conditions must prevail in the manufacture as prevail in the locality in which it is to be set. That is the only restriction that we have.

Mr. THOMPSON. Then, Mr. Hogan, if marble should come into New York City manufactured in other States or cities of this country and not manufactured under the same conditions of trade which exist in New York City, then under your international rule your members would not set that marble. Is that correct?

Mr. HOGAN. Yes, sir.

Mr. THOMPSON. What is the reason for that rule by your organization?

Mr. HOGAN. Well, our reasons can be best explained by quoting the different rates of wages prevailing in other sections of the country and the rate prevailing in New York City. It is a protection that we have to the men engaged in the manufacture of the material in New York City against the competition of material that is manufactured under a lower rate of wages and under different conditions. Now, if you will follow me, I will give you the New York rate of wages in all branches of the industry. First let me say that our organization is composed of cutters, carvers, setters, polishers, bed rubbers, sawyers, and helpers. All those are different branches of the industry. Now, the New York rate of wages for the cutter is \$5.50; \$6 for the carver; \$5.50 for the setter; \$4.40 for the polisher; \$4.95 for the bed rubber; \$4.68 for the sawyer; and \$3.25 for the helper.

Now, the next highest rate of wages—we will take Chicago, which is about the next highest rate of wages to that paid in New York. The setter, the man in the building setting the material, his rate of wages is \$5.50; in the manufacture of the material the polisher gets \$2.75 for nine hours' work against New York's \$4.40 for eight hours' work; the bed rubber gets \$3 for nine hours' work against New York's \$4.95 for eight hours' work; the sawyer gets \$3 per day in Chicago against \$4.68 and for eight-hour day in New York.

Now, that is the highest rate outside of New York.

Then we have Boston, where it runs from \$8 to \$13 per week for the polisher against \$4.40 a day in New York.

Mr. THOMPSON. Per day?

Mr. HOGAN. Per day. And \$2 for the bed rubber against \$4.95. And all outside of New York is a nine-hour day against New York's eight-hour day in the shops.

At Baltimore—

Mr. THOMPSON (Interrupting). Now, Mr. Hogan, let me direct your attention particularly to the Vermont marble. It is claimed that the restrictions against the Vermont marble constitute a real grievance.

Mr. HOGAN. Well, now, I will just talk on that subject. Here is a letter I received May 27. As soon as I was to be called I wanted to get the latest data in regard to Vermont.

Mr. THOMPSON. What is the date of the letter and who is it from?

Mr. HOGAN. May 27; from our representative up there; from a representative of the American Federation of Labor, and who is an organizer, and his name is Angelo Trubo. He has been up there since the 1st of April, getting the conditions and organizing in that locality. He writes me that the Vermont Marble Co. work 10 hours a day, 6 days in the week, except sawyers; they work 12 hours. The sawyers work day and night, divided in two gangs, machinery running continuously from 12 o'clock p. m. Sunday until 12 o'clock p. m. Saturday. Piecework system is in full force in Proctor in cutting and polishing departments; also in Fowler. The worker don't know the price of the work he is cutting until after it is finished, and if he complains he is told that if he is not satisfied he can go.

The journeyman cutter gets from \$1 to \$3, but \$2 to \$2.50 is the average; \$1 to \$3 per day and \$2 to \$2.50 is the average; polishers from \$1 to \$2; quarrymen, \$1.50 to \$1.85. In Center Rutland men are paid by the day, as a rule, and cutters' pay is from \$1.65 to \$2.50; one exception of \$2.60.

Now, that is the condition, and that is the reason that we can't see how we can protect the wages and the conditions in New York City or in any other locality by allowing the setting—of course, we allow it; can't help it; but if it comes in the only restriction is that our members don't handle it, unless it is manufactured under the prevailing conditions where it is to be set.

I just want to call your attention to this letter that I have. I don't say it prevails now, but it did prevail in—this is a magazine published in 1910—calling attention to the fact, in these quarries in Vermont, that during the time—

Mr. THOMPSON. Give us the journal and the article—the heading of the article, by whom it is written.

Mr. HOGAN. Written by Anna Hawkes Putnam, in reporting to the National Child Labor Committee.

Mr. THOMPSON. What National Child Labor Committee?

Mr. HOGAN. Why, it seems—here are some facts, briefly stated: The National Child Labor Committee conducted an investigation in Vermont during the summer, when a number of mills were closed, and also at a time when children might be legitimately employed at 12 years of age.

Mr. THOMPSON. What is the journal and the date of it?

Mr. HOGAN. 1910, December.

Mr. THOMPSON. What journal is it?

Mr. HOGAN. It is called *The Vermonter*—a State magazine, to take that report of the quarries—

Mr. THOMPSON. Is it a long report?

Mr. HOGAN. No; just a short item; just as they found things in the quarries.

Mr. THOMPSON. You might read it.

Mr. HOGAN (reading):

"Twelve boys between 13 and 16 were found in the marble quarries, and another 15 of the same approximate ages were discovered polishing marble, a process of rubbing the smooth marble with stones and sponges dipped in a solution of acid. This method of polishing is not just correct, but will give an idea. Some boys showed how the contact with the marble cut the hands, and the acid solution eats out part of the fingernails. The boys complain of sore fingers and sore throats from the dust."

That I introduce to show the conditions there during the time when the child-labor law does not affect them. They manage to get them into the factories in the manufacture of material, and that is the condition. The material manufactured under those conditions certainly we think we are justified in refusing to handle.

Mr. THOMPSON. Mr. Hogan, is the rule which your International union has, which you have just named, effective in keeping nonunion marble out of the city of New York, if you know?

Mr. HOGAN. Why, I don't know that it is. I have heard of several jobs that they have got away with here and in the vicinity.

Mr. THOMPSON. Will other trades strike a job at the request of your organization where there is an attempt to put in nonunion marble in this city?

Mr. HOGAN. I presume they would; yes. I would not say for certain; I believe they would.

Mr. THOMPSON. Do you know of any case?

Mr. HOGAN. No; I could not state any particular case just now. In fact, I don't believe there are many attempts made to put material or marble in here under those conditions. There is a job in the vicinity over in Jersey that they got away with. They said it.

Mr. THOMPSON. What do you mean by "got away with"?

Mr. HOGAN. Well, they succeeded in finishing the job.

Mr. THOMPSON. Without having trouble.

Mr. HOGAN. Well, they had trouble. Our members would not handle the material. He got them from wherever he could get them to set it.

Mr. THOMPSON. Mr. Hogan, I will direct your attention to jurisdictional disputes. Is there a jurisdictional dispute now between your organization and the bricklayers; and if so, what is it?

Mr. HOGAN. Why, there is a dispute between our organization and the bricklayers, they claiming that the setting of marble and stone on the interior of the building is a trade that belongs to them.

Mr. THOMPSON. Well, is that dispute in existence in New York City to-day?

Mr. HOGAN. It has not reached New York yet.

Mr. THOMPSON. Where is it in existence?

Mr. HOGAN. In Cleveland, Indianapolis, Kansas City, St. Louis, Philadelphia.

Mr. THOMPSON. Has there been any adjustment of that dispute in the cities you have named?

Mr. HOGAN. In Kansas City, yes, there is.

Mr. THOMPSON. How was it adjusted there? In whose favor and by what method, if you know?

Mr. HOGAN. Well, taking a letter received May 23—dated May 23—from our representative there, will probably explain it as good as I could. This is addressed to myself, secretary and treasurer. This is the letter [reading]:

"Last night at the building trades' council meeting a representative of the contractor and of the owner of the building being finished by masons appeared before the council and asked to have the marble workers put back. So this morning all masons were put off the job at 10 o'clock and our men got to work as well as all building trades' council crafts. We will have in our possession the 1st of June a letter signed by the president of the construction company, giving the reason for taking the masons from the job, which was incompetency. Practically all the marblework has to be reset. You will hear fuller details from our delegate to the building trades' council who acted in our behalf. Hoping you will send this item to all locals," etc.

Then from the Kansas City Post is a clipping—the last Saturday Kansas City Post—a clipping as follows:

"A strike began three weeks ago at the Lathrop Building at Tenth and Grand Avenue, which affected the trades affiliated with the building trades' council, was settled this morning at the request of representatives of the owners of the building. The strike arose over jurisdictional disagreement between the bricklayers and the marble workers. Members of the bricklayers' union and other unions that have agreements with the bricklayers' union demanded that the general contractor give the marblework to the stone masons, who are part of the bricklayers' union, and that the contractors put the marble workers off the job, and the masons began setting the marble. The building trades' mechanics then struck, and since then the masons have been doing the work. Last night a representative of the owners of the building appealed to the building trades' council to put the marble workers back to work. He said the work of the masons on the marblework was unsatisfactory, and that some of the slabs they set would have to be reset. A committee of labor officials met at the building this morning and settled the strike, giving the marble workers full charge of the work. Under the union rules, other crafts went back by virtue of the agreement."

Mr. THOMPSON. In Kansas City is the bricklayers' union a member of the building trades' council?

Mr. HOGAN. Yes; I believe there is in the city a local building trades' council.

Mr. THOMPSON. Generally in this controversy which you have with the bricklayers, do the other building trades side with you or the bricklayers in the matter, or have they taken no side in the matter?

Mr. HOGAN. Well, they have, in some localities sided with us, and in others they have remained neutral—have not taken any action whatever, so far as going on a sympathetic strike.

Mr. THOMPSON. Your organization is affiliated with the American Federation of Labor?

Mr. HOGAN. Yes, sir.

Mr. THOMPSON. And the bricklayers are not?

Mr. HOGAN. No; they are not.

Mr. THOMPSON. Has that influenced any building trades organization to give—to side with you, if you know?

Mr. HOGAN. Has it influenced any?

Mr. THOMPSON. Yes.

Mr. HOGAN. Why, yes; I presume it has in some instances. They have gone on a strike in support of us as against the bricklayers and masons, claiming that the work belonged to us and that the masons and the bricklayers had no business to try to get the work. The local councils—local trades have taken sides with us in the controversy and different trades have gone off the jobs where the masons were setting marble.

Mr. THOMPSON. In the settlement of this Kansas City contest that you speak of you say the parties met there at the building and adjusted it. How was it adjusted, if you know? Did the bricklayers agree to the adjustment—have they withdrawn their contests there?

Mr. HOGAN. No. The owners and the builders evidently put the masons off the job and put the marble workers back to work without—I don't suppose the masons agreed to it.

Mr. THOMPSON. Then the conflict still exists in Kansas City on that point?

Mr. HOGAN. Well, I don't think it exists so far as that job is concerned. Of course, it is liable to come up at any time.

Mr. THOMPSON. But, so far as you know, the bricklayers in Kansas City still claim that work?

Mr. HOGAN. Oh, yes; they claim it everywhere, because it is a general order issued from their headquarters.

Mr. THOMPSON. It is a national claim?

Mr. HOGAN. Yes.

Mr. THOMPSON. And the claim on your part is a national claim?

Mr. HOGAN. Yes.

Mr. THOMPSON. And there has been no settlement of that conflict in any city by local unions, has there?

Mr. HOGAN. No; there have been two or three settlements on jobs just as I have stated—on different jobs that have been settled for that time; but it is liable—

Mr. THOMPSON (Interrupting). But no settlement by the organization?

Mr. HOGAN. No, sir.

Mr. THOMPSON. By the local organization altogether?

Mr. HOGAN. No; the local can not settle it.

Mr. THOMPSON. In your opinion, Mr. Hogan, from your experience in this jurisdictional conflict, do you think the adjustment of it by each side would be the best way, or do you think it should be settled nationally, according to the national claim?

Mr. HOGAN. Why, I think it would have to be adjusted nationally, because it would only confuse matters if it were settled one way in one city and another way in another; that would not be any settlement, because our members travel, as a general thing; the settlers of our organization do considerable traveling in their occupation. They don't find work in any particular locality to keep them engaged all the year round, and they have to travel from one city to another.

Mr. THOMPSON. Is there any city in which the bricklayers have control of that work, if you know?

Mr. HOGAN. Complete control?

Mr. THOMPSON. Fairly complete control.

Mr. HOGAN. No; there is not.

Mr. THOMPSON. Is there any city in which they do the considerable portion of the work?

Mr. HOGAN. Why, they have done a job or two in Cleveland. That is the only city that I have known that they have finished any work that has been accepted.

Mr. THOMPSON. What is the plan of your organization to meet this jurisdictional fight?

Mr. HOGAN. About the only plan we have is to keep our members from joining their organization.

Mr. THOMPSON. What is the plan or method of contest with the bricklayers meeting, if you know?

Mr. HOGAN. The bricklayer goes to the contractor and tells the contractor that if he does not—he will select a particular job and he goes to the contractor on that job and tells him if he does not employ masons to set the marble on that work they will strike his jobs throughout the country. In that way they have

frightened a good many of the contractors into turning over the work to the masons on these particular jobs. In places where they have refused to do that we are still working on the job.

Mr. THOMPSON. Then, as I understand your last statement, the bricklayers have influenced a great many contractors to use their men on that work?

Mr. HOGAN. Yes, sir.

Mr. THOMPSON. Has there been any attempt, either by the bricklayers' organization or by yours, to have a conference on that matter and to try and seek some method of settlement by mediation or arbitration?

Mr. HOGAN. We have had conferences before a subcommittee of the executive council of the American Federation of Labor, and, failing to agree among ourselves, a proposition was made by us to them. That proposition was that we meet jointly with representatives—representatives of the building trades department, representatives of the National Association of Marble Dealers, with whom the bricklayers have an agreement, and representatives of the bricklayers, and representatives of the marble workers—in a sort of a conference to see if some adjustment could not take place, some settlement be arrived at. They declined the proposition on the ground that it would act detrimentally to them. That is the only excuse they gave.

Mr. THOMPSON. When was that proposition made?

Mr. HOGAN. In January.

Mr. THOMPSON. Of this year?

Mr. HOGAN. Yes, sir.

Mr. THOMPSON. In your opinion, Mr. Hogan, do you believe that a governmental body having jurisdiction over the entire United States, such a body as would be approved of by organized labor generally and by the public generally, do you believe that they would have an influence, a moral influence, in adjusting just such disputes as we have now with the bricklayers—as you have?

Mr. HOGAN. I don't know what moral influence it would have, but it is my opinion that some such body, with power to adjust those things, would prevent a great deal of the trouble that is going on. Of course, in this case it shows very plainly it is simply one large, powerful organization that is attempting to take the work away from an organization smaller in numbers that has brought up the condition. They have built up the conditions of that organization.

In 1907, when the conditions were not anywhere near as good as they are at the present time, these certain officials of the bricklayers and masons conceded this work to us. In 1907—I might state that I have evidence here that in 1907 this organization conceded these very same things, this very same class of work, to us that they are now seeking to control.

Mr. THOMPSON. Mr. Hogan, one more question. Has your organization got any restrictions with reference to the admission of aliens or of negroes?

Mr. HOGAN. No, sir.

Mr. THOMPSON. You have not?

Mr. HOGAN. No, sir.

Mr. THOMPSON. Do the constitution and by-laws of your organization, printed copy, contain the requirements for membership, examination, and requirements of admission for trades, and also the apprentice system that you have?

Mr. HOGAN. Yes, sir.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions?

Commissioner LENNON. I have a question I would like to ask.

Mr. Hogan, is your international union continuously endeavoring to raise the standard of wages and the limitation of the hours in outside districts so as to even up with New York?

Mr. HOGAN. Yes, sir. We have been attempting to do that for the past 10 years.

Commissioner LENNON. Well, in case at some point where marble is prepared for buildings the same conditions prevailed as to wages and hours as in New York, would you then locally restrict the introduction of that material?

Mr. HOGAN. No, sir.

Commissioner LENNON. Suppose at some place in New York the same prices prevail for work as here, would you then in New York proscribe that material from entering into building here?

Mr. HOGAN. No, sir; we would not. Our laws would not allow it. In fact our laws provide that it will be admitted and set if manufactured under the same conditions.

Commissioner LENNON. This is an effort, then, on the part of your union to standardize the matter of wages and hours, is it?

Mr. HOGAN. Yes, sir.

Commissioner LENNON. And to get standardization according to the best conditions that prevail?

Mr. HOGAN. Yes, sir; that is the intent of the organization.

Commissioner LENNON. Has there been any continuous attempt on the part of the bricklayers that you are speaking of to induce or intimidate your members to join your organization, so that you would have the mechanics to do the marblework?

Mr. HOGAN. Yes. There have been attempts made. In fact, I have affidavits—I didn't think it would be necessary—but I have had affidavits from our members where they are told that if they want to work at their trade they have got to affiliate with the bricklayers' and masons' organizations.

Commissioner LENNON. Are you sure as to a statement that you made as to affiliation with bricklayers in Kansas City and the local council?

Mr. HOGAN. That they belong to the local council?

Commissioner LENNON. Yes.

Mr. HOGAN. Yes, sir; they do.

Commissioner LENNON. That is all I have.

Commissioner BALLARD. Mr. Hogan, you have been making an effort to have the wages as high and the hours as short in those other places, the same as they are in New York?

Mr. HOGAN. Yes, sir.

Commissioner BALLARD. How is it that you succeeded in getting them so high and so short hours in New York, and you could not get them the same elsewhere?

Mr. HOGAN. The New York locals have been in existence about 35 years, and the International has only been in existence since 1902, so the New York locals and several other locals that comprise the international organization practically had reached this standard before the International was formed, or within half a dollar of it a day, anyway.

Commissioner BALLARD. What are the wages in the trade here? What do you get?

Mr. HOGAN. \$6 a day for chivers, \$5.50 for cutters and setters, and \$4.95 for bed rubbers, \$4.40 for polishers, and \$4.68 for sawyers.

Commissioner BALLARD. Are those wages higher than the bricklayers' trade as yet?

Mr. HOGAN. Here?

Commissioner BALLARD. Yes.

Mr. HOGAN. No, sir; they are not; I think the bricklayer gets—in fact, I don't know what the wages of the bricklayers are.

Commissioner BALLARD. About the same?

Mr. HOGAN. About the same as the highest rate, I think, perhaps \$5 or \$6 a day.

Commissioner BALLARD. That is all.

Chairman WALSH. That is all. Thank you, Mr. Hogan.

Call you next.

TESTIMONY OF MR. JOHN W. GRIMMER.

Mr. THOMPSON. Will you give us your name, address, and your business, please?

Mr. GRIMMER. John W. Grimmer; business address, 242 East Twentieth Street.

Mr. THOMPSON. And your business?

Mr. GRIMMER. Hardwood finishing is my main business; hardwood finishing and painting.

Mr. THOMPSON. Are you officially connected with the master painters' association of New York City?

Mr. GRIMMER. President.

Mr. THOMPSON. For how long have you been president?

Mr. GRIMMER. About six years.

Mr. THOMPSON. About six years?

Mr. GRIMMER. Yes, sir.

Mr. THOMPSON. Were you president at the time that the arbitration matter with the journeymen's union came up?

Mr. GRIMMER. No, sir.

Mr. THOMPSON. The arbitration plan?

Mr. GRIMMER. No, sir.

Mr. THOMPSON. Were you a member of the master association at that time?

Mr. GRIMMER. I was.

Mr. THOMPSON. You knew about the conditions existing then?

Mr. GRIMMER. Yes, sir; I did.

Mr. THOMPSON. The decision at that time made by Mr. Smith was that lived up to by your organization or not?

Mr. GRIMMER. It was; that is, to a certain point, in regards to employing laborers. We did not employ any laborers.

Mr. THOMPSON. You did not employ any laborers?

Mr. GRIMMER. No, sir; we did not.

Mr. THOMPSON. In other words, you conceded that point to the organization?

Mr. GRIMMER. Yes, sir; we did.

Mr. THOMPSON. Of the union?

Mr. GRIMMER. Yes, sir.

Mr. THOMPSON. Was it lived up to by the journeymen painters?

Mr. GRIMMER. It was not.

Mr. THOMPSON. It was not?

Mr. GRIMMER. No, sir.

Mr. THOMPSON. Why wasn't it, if you know? And how did the master painters view their failure to live up to the agreement?

Mr. GRIMMER. I do not quite get that.

Mr. THOMPSON. I will change the question. In what respects were they not lived up to by the journeymen painters?

Mr. GRIMMER. They were dissatisfied with the decision of the umpire, Mr. Smith, and they struck against that, refused to work.

Mr. THOMPSON. What was the result of that strike?

Mr. GRIMMER. We formed open shop. Hired whoever we could get.

Mr. THOMPSON. Have you got the open shop in New York now?

Mr. GRIMMER. Some have and some have not.

Mr. THOMPSON. Some have not?

Mr. GRIMMER. Yes, sir.

Mr. THOMPSON. Has there been any attempt by your organization and by the organization of the journeymen painters to reach a new agreement?

Mr. GRIMMER. Yes, sir; last year, 1913, the latter part of the year.

Mr. THOMPSON. Was it successful?

Mr. GRIMMER. It was not. They refused to go further into the matter. We had three meetings. After the third meeting they still bothered some of the members, and our secretary wrote them a letter requesting them to keep their hands off the various jobs and let the members finish their work in peace during this arbitration plan or during the agreement plan.

Mr. THOMPSON. During your conference?

Mr. GRIMMER. During the conference; yes, sir.

Mr. THOMPSON. Did they do that?

Mr. GRIMMER. They did not. They simply telephoned us that all conference was stopped. They refused to confer any further with us.

Mr. THOMPSON. What time was that when they told you that?

Mr. GRIMMER. That was about December, I think.

Mr. THOMPSON. Of last year?

Mr. GRIMMER. Yes, sir.

Mr. THOMPSON. Have you had any conference since?

Mr. GRIMMER. No, sir.

Mr. THOMPSON. Or has your association had with the journeymen painters?

Mr. GRIMMER. No, sir; no conference whatever. The master painters' committee is still on the job, as we call it.

Mr. THOMPSON. Mr. Collins stated on the stand this morning that the reason his association was unable to get an agreement with yours was because of the fact that they had instituted or assessed some fines against the journeymen painters here in New York, and your association wanted those fines remitted; is that correct?

Mr. GRIMMER. Those were assessed against those members in 1905. During that arbitration that matter was struck to the bosses who were before them, because they thought the union was not right in going out on a strike. As we agreed to live up to the decision of the umpire, and they thought the union should also, and that is why these men stood by us?

Mr. THOMPSON. And that was the bone of contention or the point of discrimination?

Mr. GRIMMER. They claimed that was the bone of contention, but I don't believe it.

Mr. THOMPSON. What do you believe was the basis of the disagreement?

Mr. GRIMMER. Why, they would not continue the conference?

Mr. THOMPSON. Yes.

Mr. GRIMMER. It is sort of a lengthy story, but I may as well tell you. We took into our association about 19 members last summer from the Harlem district. They had an association of their own, but they gave it up and joined ours; and as I have been told by those men that they have been paying a system of graft to those walking delegates, and naturally when they joined our association that graft was cut off, because every one of our members is under a bond to live up to the rules of our association; and one of those is, of course, pay no graft.

Mr. THOMPSON. That is a pretty serious charge, Mr. Grimmer?

Mr. GRIMMER. I can not help it. These men told me so.

Mr. THOMPSON. What is the basis on which you make the charge?

Mr. GRIMMER. Because they kept on bothering those men; they bothered them because they would not pay anything. Those men came to me and told me.

Mr. THOMPSON. Bothered the 19 master painters?

Mr. GRIMMER. Not all; some.

Mr. THOMPSON. Some of them?

Mr. GRIMMER. Yes, sir.

Mr. THOMPSON. Have you ever taken that matter up with the painters' organization?

Mr. GRIMMER. We have. Of course, we have been through with the building trades association; we have compelled them to let these men alone as long as they were paying a fair rate of wages.

Mr. THOMPSON. Did you discuss it frankly?

Mr. GRIMMER. Yes, sir; in the open meetings.

Mr. THOMPSON. Do you believe that if it was not for that question that the conference would have continued and might have resulted in an agreement, is that so?

Mr. GRIMMER. Well, I think it would; yes, sir.

Mr. THOMPSON. Is it desirable to have an agreement in New York City?

Mr. GRIMMER. The master painters are perfectly willing to enter into an agreement with the union, providing the union will give us satisfactory proof that they will live up to it.

Mr. THOMPSON. What do you mean by giving you satisfactory proof?

Mr. GRIMMER. Because they have never lived up to any agreement to the present time. No matter what agreement, they have never lived up to it.

Mr. THOMPSON. What would you consider satisfactory proof to be?

Mr. GRIMMER. For instance, if they were to put up under bond and the State to compel them to live up to the agreement.

Mr. THOMPSON. How could the State compel the painter to live up to the agreement?

Mr. GRIMMER. The State could do a great many things by chartering them.

Mr. THOMPSON. Is it not, as a matter of fact, impossible for either the State or any body of men to compel men to work if they do not want to?

Mr. GRIMMER. They haven't tried that. That is not the point. Of course, you can not make any man work if he doesn't want to. He can not be compelled to work. You can take a horse to a trough but you can not make him drink. We do not claim that. If we agree to a certain thing, and they agree to it, they should carry out their part of the agreement and we will carry out ours.

Mr. THOMPSON. Let us make it concrete, Mr. Grimmer: Assuming that the painters would waive their claims on these 19 master painters, make no more demands for graft; assuming that they would waive the fines which they have assessed against those journeymen painters, and were willing to make an agreement with you, what would you request by way of proof that they would carry out their agreements in the future?

Mr. GRIMMER. Simply live up to their agreements, that is all. We can not force them in any other way. I do not see how. As man to man, that is about all.

Mr. THOMPSON. How would you make a contract if those two things were out of the way?

Mr. GRIMMER. Let them file a bond, or something of that kind.

Mr. THOMPSON. What betterment of conditions in New York City would such an agreement bring about?

Mr. GRIMMER. Well, I don't know as it would make them any better at the present time, because the competition in trade is too great, because we have less painters in New York City that are paying \$1.50, \$1.75, and \$2 a day, and the union demands \$4 a day, and the majority of our members do pay \$4 a day to them, so far as I understand. Of course, we have made several requests of them at the conference which I do not think were unfair at all. Of course, one of the rules of the painters' union is not to work Saturday afternoons under any conditions, double time or no. We thought that was unfair to our association, because others do it, other boss painters do it around the city, and we are cut out of that work, so we have asked them to allow Saturday afternoon work in urgent cases. By that I mean by notifying the union that the men are going to work that afternoon.

And then to consider time and a half for overtime on old work and the other painters in New York City stand on regular time. A new building can be controlled very easy by the bosses and by the labor unions, but old work we can not control, and of course, we are handicapped by paying this double time; requiring the double time.

Mr. THOMPSON. And the unions would not agree to those two provisions?

Mr. GRIMMER. They have not so far. We have put it up to them.

Mr. THOMPSON. Referring back to that question of graft, what is the form of the alleged graft?

Mr. GRIMMER. Well, as the Harlem members told me if they had a row of buildings going up, painting an inside building it would have a certain price to be paid to the delegate and the corner building another price. Say, \$30 for an inside building and \$50 for a corner, large apartment, which was handed over.

Mr. THOMPSON. Which went to the delegate?

Mr. GRIMMER. I assume he was the man who went to look after the job.

Mr. THOMPSON. Can you give us the names of contractors who paid this graft, Mr. Grimmer? Would you be willing to do so?

Mr. GRIMMER. I could look them up. I couldn't offhand, because I haven't our membership book with us. I couldn't do it offhand.

Mr. THOMPSON. Will you furnish us with that information?

Mr. GRIMMER. Yes, sir; I will do so. I will have to get it from our secretary, who knows it pretty well.

(The information referred to is as follows: S. Weingarten, 960 East One hundred and fifty-sixth Street, Bronx; I. Weinstein, 117 Westchester Avenue; I. Daxe, 2019 Lexington Avenue; H. Denker, 23 East One hundred and eighth street; J. Faber, 22 East One hundred and eighth Street; L. Fleckl, 22 University Avenue; Greenblatt, 939 Intervale Avenue, Bronx; I. Stein, 897 Elton Avenue, Bronx; I. Middleman, 3200 Broadway; Carl H. Dabelstein, 156 West Ninety-ninth Street, secretary master painters and decorators' association.)

Mr. THOMPSON. Were not those demands, Mr. Grimmer, that \$30 for inside and \$50 for outside, were not they in the nature of demands for organizations and not the delegates?

Mr. GRIMMER. No, sir; I don't think so.

Mr. THOMPSON. For violations of the rules?

Mr. GRIMMER. I don't think it was the organization.

Mr. THOMPSON. You think not?

Mr. GRIMMER. No, sir; I don't think it was.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Ballard, have you any questions?

Commissioner BALLARD. No, sir.

Chairman WALSH. Are there any questions by any of the commissioners?

(No response.)

Chairman WALSH. Call your next witness.

TESTIMONY OF MR. DOMINICK D'ALESSANDRO.

Mr. THOMPSON. Will you please give us your name, your residence, and your business?

Mr. D'ALESSANDRO. Dominick D'Allessandro; 82 State Street, Albany, N. Y.

Mr. THOMPSON. What is your business?

Mr. D'ALESSANDRO. International president of the Hotel Carriers Building and Common Laborers' Union.

Mr. THOMPSON. Has that body organizations in other cities than New York?

Mr. D'ALESSANDRO. Certainly; all over the country.

Mr. THOMPSON. All over the country?

Mr. D'ALESSANDRO. Yes, sir.

Mr. THOMPSON. Is it affiliated with the American Federation of Labor?

Mr. D'ALESSANDRO. Yes, sir.

Mr. THOMPSON. What is its present membership, if you know; and where are the principal cities in which it is located?

Mr. D'ALESSANDRO. It has got about nearly 40,000, and located practically in every city of the country where there is a large city, of course.

Mr. THOMPSON. What is the general nationality of the membership?

Mr. D'ALESSANDRO. There is all nations.

Mr. THOMPSON. All nations?

Mr. D'ALESSANDRO. Yes, sir.

Mr. THOMPSON. What are the dues of the membership?

Mr. D'ALESSANDRO. We receive only 15 cents per capita tax and 15 cents a month.

Mr. THOMPSON. Fifteen cents a month?

Mr. D'ALESSANDRO. And we pay \$100 on death, in case the member dies, and pay \$100 benefit.

Mr. THOMPSON. How large is the regular local in New York City, if you know?

Mr. D'ALESSANDRO. In New York? We made an attempt at different times, but it has been impossible to get any large local. Of course we have got a few small, but don't amount to much.

Mr. THOMPSON. Do you know the membership of all the locals in New York City?

Mr. D'ALESSANDRO. Yes, sir. Not exactly, but approximately.

Mr. THOMPSON. Approximately?

Mr. D'ALESSANDRO. Yes, sir.

Mr. THOMPSON. About how much?

Mr. D'ALESSANDRO. About 10,000 or 11,000.

Mr. THOMPSON. Are there any independent local unions of common and building laborers outside of New York City?

Mr. D'ALESSANDRO. Some cities; yes, sir.

Mr. THOMPSON. Are there any here in New York?

Mr. D'ALESSANDRO. The entire city of New York. All the laborers of New York are independent.

Mr. THOMPSON. In other words, you have no local unions here?

Mr. D'ALESSANDRO. I say I have a few small ones.

Mr. THOMPSON. I thought you said you had 11,000 here?

Mr. D'ALESSANDRO. Oh, no. You asked me if I know how many laborers are organized in this city. I said about 11,000.

Mr. THOMPSON. About 11,000?

Mr. D'ALESSANDRO. Yes, sir; but not affiliated with the organization I represent.

Mr. THOMPSON. What attempts have you made to organize the building laborers in this city?

Mr. D'ALESSANDRO. It has been, so far as I am connected with the organization, since 1907, organized; an organizer has been placed in the city, and being spent the time of myself, and of course we organized the union, and after a little while the union has been compelled to retire because of the larger union compelling a strike against them and discriminate against them until they compelled them to return to the job.

Mr. THOMPSON. What are the names of the other labor unions in New York City, if you know?

Mr. D'ALESSANDRO. Why, yes; I think it is—in the city you couldn't get no name—you got about seven names, different names altogether, one from the other. If you permit me to, I will go on and name, so we get some organizations that has got a name here in the city as dock labor, so many men handle all material—sand, brick, and all this unloaded from the boat.

Mr. THOMPSON. I mean organizations of laborers?

Mr. D'ALESSANDRO. Yes, sir; connected with us.

Mr. THOMPSON. Connected with the buildings?

Mr. D'ALESSANDRO. Not connected with the buildings. That is what we claim all these laborers. They have no organization, one excavating; then some organizations stonemason laborers; then there is another organization,

bricklayer laborer protective union, if I make no mistake; then there is another organization is the plasterers laborers' protective union; I don't think it is the correct name; but the laborers in the city are divided into six groups, and one group not recognize the other. If one of the members take from convict labor is going to work and work at stone so he is compelled to pay another initiation. If from the stonemason laborer, if he is going to attend the bricklayer he has got to pay another \$25 or \$30, whatever the initiation is, from that, and go attend the plasterer he has got to pay another \$25. So this group do not recognize each other.

Mr. THOMPSON. In other words, when a laborer in New York City wishes to follow his trade he must be a member of four or five different trades?

Mr. D'ALESSANDRO. Six as a laborer.

Mr. THOMPSON. He has to pay a different initiation fee in each?

Mr. D'ALESSANDRO. Yes, sir.

Mr. THOMPSON. And has to pay dues, too?

Mr. D'ALESSANDRO. Certainly; of course; I think so; I could not make sure of that.

Mr. THOMPSON. How much does it cost, if you know, for a building laborer to pay an initiation in this city in the six groups?

Mr. D'ALESSANDRO. Well, so far as I know, they use to ask for a hundred dollars one time. That was 1905. But the initiations to-day, those unions ask \$25. So it would be about between a hundred and a hundred and twenty-five dollars as a laborer.

Mr. THOMPSON. And what dues would he pay?

Mr. D'ALESSANDRO. I could not say; some 50 cents and some 25 cents.

Mr. THOMPSON. A month?

Mr. D'ALESSANDRO. A month. Now, if you permit me, you say, what attempt we made to get those unions affiliated, and why we did not; I did not finish to answer that question as I am interrupted. The reason we did not succeed to get the New York laborers affiliated with the International order which I represent, for example, the reason our laws says no more than \$15 initiation shall be paid and no less paid. That is our law, and we not permit, the International union not permit the men from excavating to go and do same kind of work say as attend bricklayer or attend plasterers without he pay another initiation fee; but with us a man proper to do such work can simply transfer from one local to another. And I suppose that is why the New York laborers did not become affiliated, because as soon as they do that of course they stop all those initiations.

Mr. THOMPSON. What is the condition of the building trades, rather of the laborers in the building trades of New York City, as compared with the laborers in the same trade in Chicago, for instance?

Mr. D'ALESSANDRO. You mean to say what's the difference between the labor—

Mr. THOMPSON. The conditions of the work?

Mr. D'ALESSANDRO. The conditions of work—oh, there is big difference in Chicago, where they got them affiliated about two years ago. Chicago one union. Here we got 11 unions in different sections of the city; but all recognize each other and make no difference if a man do excavating or attend a plasterer or begin the building, he belong in the same union, only the wages are different. If a man is digging to-day he gets one wage; to-morrow he attends a bricklayer he get different wages; but he belong in the same union. Now, here in New York, just as I said, a man attend a plasterer he must belong to the plasterers in order to be recognized by any other union as a laborer.

Mr. THOMPSON. Well, have you any comparison of the wages of the two cities?

Mr. D'ALESSANDRO. At Chicago got better wages.

Mr. THOMPSON. What is the daily wage in Chicago of the hod carriers, say?

Mr. D'ALESSANDRO. Three dollars to three dollars and twenty-five cents.

Mr. THOMPSON. What are the wages of the hod carriers in New York City?

Mr. D'ALESSANDRO. Well, it is called \$3; but I don't know if he got it, but probably he gets \$2 or \$2.50. The plasterer laborers all, so far as I know, are \$3.25. I don't know if there is any change, of course.

Mr. THOMPSON. Does your organization make contracts with the employers the same as the bricklayers and carpenters, etc.?

Mr. D'ALESSANDRO. Yes, sir.

Mr. THOMPSON. Have you such an agreement in Chicago and elsewhere?

Mr. D'ALESSANDRO. Yes, sir; they got an agreement in Chicago and in other cities, too.

Mr. THOMPSON. Does your organization engage in sympathetic strikes in aid of the people they are working with and helping, such as the bricklayers?

Mr. D'ALESSANDRO. Well, in latter cases, yes.

Mr. THOMPSON. And the same way as to the plasterers?

Mr. D'ALESSANDRO. In latter cases, yes; that is, local.

Mr. THOMPSON. In other words, as the members of your organization are helpers in a sense of some of the other trades, you join with them in their strikes?

Mr. D'ALESSANDRO. Of course. We are affiliated with the American Federation of Labor; and, of course, if the building trades got on strike here we go on the strike.

Mr. THOMPSON. Where your organization has had a strike of its particular business in any city—for instance, if the bricklayers or plasterers go out in sympathy with you—do you have to pay a benefit to the other trades?

Mr. D'ALESSANDRO. No.

Mr. THOMPSON. You do not?

Mr. D'ALESSANDRO. No.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. One moment. Mr. D'Allessandro, I notice your name is preceded here by a title?

Mr. D'ALESSANDRO. Yes, sir.

Chairman WALSH. Cavalier?

Mr. D'ALESSANDRO. Yes, sir.

Chairman WALSH. What is the occasion of your receiving that? I understood it had something to do with labor conditions in America and I thought I would ask you, if you had no objection?

Mr. D'ALESSANDRO. Well, I guess I will say a few words on that line. When I land here I thought to be free. We hear of that impression on the other side, that America was in a free country; and I found when I land here that a part of it, or a portion of the working class, not been free. I found that where the nation I come from, those laborers land here, the boss went after them on the dock, and he make promise to take them out to work at such and such a place and was asking them to pay so much for the work—say so much a week—say \$5 a man or 50 cents or something. In some cases those bosses, what are so called, go and hire, say, 200 or 300 men specially.

Commissioner LENNON. You refer to the peonage system?

Mr. D'ALESSANDRO. Whatever you call it.

Commissioner O'CONNELL. Or the padrone system.

Mr. D'ALESSANDRO. And the question of railroad fare—and he might say to those men, I got a job in New York, and the fare costs you so much, and you not to pay any money for the job, but only you got to pay the railroad fare. Those men start to collect railroad fare and they got them in the station and the leader is kept away and so if the man is not there they could not get on the train, but the railroad has been paid. So that I got tired of such thing, and I start to establish a society which we call the Italian Immigrants' Society, of which I been a president quite a time.

Chairman WALSH. Was the gentleman who testified here the other day connected with that society?

Mr. D'ALESSANDRO. Might be from New York City, but I am from Boston, but in the same line, this society. So then I start to organize those men, and we start to give evidence against those padrones, and some of those have been sent to jail for three or four months, and one got six months, and some fined, and some is kept away from the city, and all cases like that; and this work has been continual and continual until one day the King sent me a medal. That is the way I got it.

Chairman WALSH. The King of Italy?

Mr. D'ALESSANDRO. Yes, sir.

Chairman WALSH. Thank you, very much, Mr. D'Allessandro; it is all very interesting. What is the meaning of the title? It says here "Cav."

Mr. D'ALESSANDRO. That is cavalier.

Chairman WALSH. And what does that mean in Italy? What order, in a general way?

Mr. D'ALESSANDRO. Well, like what you call in England is a knight. A cavalier has been recognized by the King, and you could be admitted in any place to go, and all such stuff. I might be proud of a title, but it is a bigger thing there, anyway.

Chairman WALSH. Thank you, very much.

TESTIMONY OF MR. MICHEL ANGELO CONTESSA.

- Mr. THOMPSON. Where do you live, Mr. Contessa?
- Mr. CONTESSA. 437 East One hundred and fourteenth Street.
- Mr. THOMPSON. What is your business?
- Mr. CONTESSA. I don't understand English.
- Mr. THOMPSON. Will the reporter please note the fact that Mr. Dominick D'Allessandro is acting as interpreter for Mr. Michel Angelo Contessa.
- The INTERPRETER. Business agent of the stonemasons' labor, one of the locals.
- Mr. THOMPSON. Business agent of the international union?
- The INTERPRETER. No; local union.
- Mr. THOMPSON. Isn't the name international union?
- The INTERPRETER. No; it is not affiliated with anybody.
- Mr. THOMPSON. I know that; I am aware of that fact. Never mind.
- The INTERPRETER. It is the stonemason laborers.
- Mr. THOMPSON. Has his organization any other locals than in New York City.
- The INTERPRETER. No.
- Mr. THOMPSON. How long has his organization been in existence?
- The INTERPRETER. Since May 2, 1912.
- Mr. THOMPSON. Is it a corporation under the laws of the State?
- The INTERPRETER. He don't know.
- Mr. THOMPSON. Has he been connected with the union from its beginning?
- The INTERPRETER. No.
- Mr. THOMPSON. How long has he been connected with it?
- The INTERPRETER. About nine years.
- Mr. THOMPSON. What officers has the organization at the present time?
- The INTERPRETER. He is business agent.
- Mr. THOMPSON. What other offices?
- The INTERPRETER. Nothing else.
- Mr. THOMPSON. Nobody else?
- Commissioner O'CONNELL. He means, are there other offices in the local union?
- The INTERPRETER. There is a president, vice president, and financial secretary, recording secretary, treasurer, and trustee.
- Mr. THOMPSON. Who is the president at this time?
- The INTERPRETER. Vldo Capondello.
- Mr. THOMPSON. And who is the vice president?
- The INTERPRETER. He only remembers his first name, Dominick.
- Mr. THOMPSON. You don't remember the last name?
- The INTERPRETER. No.
- Mr. THOMPSON. What is the name of the secretary?
- The INTERPRETER. Domaci Rafael, the name of the financial secretary.
- Mr. THOMPSON. Is the financial secretary the custodian of the funds—the money?
- The INTERPRETER. No; the treasurer.
- Mr. THOMPSON. Who is the treasurer?
- The INTERPRETER. Rocco Francoso.
- Mr. THOMPSON. How long has he been treasurer?
- The INTERPRETER. About two years and a half.
- Mr. THOMPSON. How much money on hand, if he knows, does the organization have?
- The INTERPRETER. It hasn't got anything.
- Mr. THOMPSON. Is his organization affiliated with the International Hod-carriers and Common Laborers' Union?
- The INTERPRETER. No.
- Mr. THOMPSON. Why not?
- The INTERPRETER. For the reasons they could not pay for the per capitas; they got no money.
- Mr. THOMPSON. What is the membership of his organization?
- The INTERPRETER. About 330.
- Mr. THOMPSON. Has it ever been affiliated with the United Board of Business Agents of the Building Trades of New York City?
- The INTERPRETER. No.
- Mr. THOMPSON. Is it affiliated now or has it been at any time with any other labor body, if you know?

The INTERPRETER. It was at one time affiliated with the International Hod-carriers and Common Laborers' organization.

Mr. THOMPSON. That is your organization?

The INTERPRETER. Yes.

Mr. THOMPSON. When was that?

The INTERPRETER. That was in 1907.

Mr. THOMPSON. Why did they drop their affiliation with the International organization?

The INTERPRETER. For the reason they could not pay any more for per captas.

Mr. THOMPSON. Has it a printed constitution?

The INTERPRETER. Yes.

Mr. THOMPSON. Has he a copy of it here?

The INTERPRETER. No.

Mr. THOMPSON. Would he furnish this commission with a copy of the constitution and by-laws?

The INTERPRETER. Yes; he will send one.

Mr. THOMPSON. What is the principal nationality of the members of his organization?

The INTERPRETER. Any nationality, he says, can join—English. They are all Italians, because nobody else wants that work.

Mr. THOMPSON. What is the form of government in his organization?

The INTERPRETER. He says that they work eight hours a day and get \$2.80 a day, Saturday afternoon, 25 cents a month, and \$25 initiation.

Mr. THOMPSON. How often does his organization hold an election for offices?

The INTERPRETER. Every year.

Mr. THOMPSON. Does each member have the right to vote?

The INTERPRETER. Yes.

Mr. THOMPSON. Does his organization publish at stated periods a financial statement?

The INTERPRETER. Yes.

Mr. THOMPSON. How often?

The INTERPRETER. Every Friday.

Mr. THOMPSON. Every Friday?

The INTERPRETER. Yes.

Mr. THOMPSON. What does the statement show?

The INTERPRETER. He talks of the meetings every Friday, and the financial report every month.

Mr. THOMPSON. Every month.

The INTERPRETER. Every month.

Mr. THOMPSON. Is that printed?

The INTERPRETER. No; it is written, handwriting, in the book.

Mr. THOMPSON. Is it read to the members?

The INTERPRETER. Yes.

Mr. THOMPSON. Do they send a yearly statement of their financial condition?

The INTERPRETER. No.

Mr. THOMPSON. Does it furnish any written statement to the members, or, rather, is any written statement furnished to the members of the amount of money that comes into the organization for dues and initiation fees, and how the money is spent?

The INTERPRETER. No; only the secretary, in the meetings, read it from the book every month.

Mr. THOMPSON. Does his organization engage in furnishing employment to its members, and does it charge a fee for it?

The INTERPRETER. No; he says they will try to furnish work for the members, but only ask them initiation fees and a month's dues.

Mr. THOMPSON. Does a mason helper also work as a hod carrier, and a plasterer's helper, and in other unskilled branches of the trade?

The INTERPRETER. No.

Mr. THOMPSON. He does not?

The INTERPRETER. No.

Mr. THOMPSON. Just works as a stonemason's helper and nothing else?

The INTERPRETER. He could not go to work on the other.

Mr. THOMPSON. If a mason's helper, a member of his organization, wants to work as a hod carrier, or as a plasterer's helper, must he take out cards from those organizations?

The INTERPRETER. He has got to get a new card.

Mr. THOMPSON. What does he have to pay for those new cards at the other organization, if you know?

The INTERPRETER. He don't know how much he has got to pay; depends on what the other union's charge.

Mr. THOMPSON. Is it true that many of the workers, members of his organization, carry three or four cards with other organizations so they may work as laborers?

The INTERPRETER. He says yes.

Mr. THOMPSON. Has there been any movement on foot in New York City to have these other laborers' organizations, including his organization, to join with the International Hod Carriers Building and Common Laborers' Union of America?

The INTERPRETER. He says it has been talked over at different times, but nobody paid the money.

Mr. THOMPSON. Is the purpose of that to do away with the necessity of a laborer having many cards?

The INTERPRETER. So he could work everywhere without paying another initiation.

Mr. THOMPSON. That is the purpose?

The INTERPRETER. That is the purpose.

Mr. THOMPSON. What part does his organization take in that movement?

The INTERPRETER. He says it has been talked over for two or three different meetings, but there has been no vote to it.

Mr. THOMPSON. What is that?

The INTERPRETER. It has been talked over in the meetings for two or three times, but no vote has been taken.

Mr. THOMPSON. What is his attitude in that regard?

The INTERPRETER. You mean his attitude as an individual member?

Mr. THOMPSON. Yes.

The INTERPRETER. He is in favor of it.

Mr. THOMPSON. Does his organization have an agreement with the stone contractors' association in this city?

The INTERPRETER. Yes.

Mr. THOMPSON. When was it made?

The INTERPRETER. You mean the last one?

Mr. THOMPSON. Yes.

The INTERPRETER. This year, he says, he does not remember the month.

Mr. THOMPSON. Through whose help was that agreement made, through the mason mechanics?

The INTERPRETER. No.

Mr. THOMPSON. Did the members of his organization ever strike for an improvement of conditions?

The INTERPRETER. No. They stopped at one time, only a short time, about five years ago.

Mr. THOMPSON. Is Mr. Contessa engaged in any other business?

The INTERPRETER. No.

Mr. THOMPSON. Is he engaged or is he interested in any saloon in this city?

The INTERPRETER. No, sir; he says.

Mr. THOMPSON. What salary does he get in his office?

The INTERPRETER. He says he got one time \$25; now, \$12.

Mr. THOMPSON. What is that?

The INTERPRETER. At one time he had paid to him \$25 a week, but at the present time he gets \$12 a week.

Mr. THOMPSON. Is that all of the money that he gets from this organization?

The INTERPRETER. That is all, he says.

Mr. THOMPSON. Is that the only source of income that he has?

The INTERPRETER. He says he has got \$12 a week, and when they collect the first \$5 initiation it goes to him.

Mr. THOMPSON. How much money does he get from that source per week?

The INTERPRETER. Sometimes one, sometimes nothing.

Mr. THOMPSON. How much money did he get from that source this last month, if he knows?

The INTERPRETER. He don't remember.

Mr. THOMPSON. He don't remember. Does he know how much he got last year from that source?

The INTERPRETER. You mean the entire year?

Mr. THOMPSON. Yes.

The INTERPRETER. They didn't let him collect that last year; only a couple of months this year.

Mr. THOMPSON. He collected nothing last year?

The INTERPRETER. No.

Mr. THOMPSON. Why was his wage reduced, or his salary reduced, from \$25 a week to \$12?

The INTERPRETER. Well, at one time when he got \$25 a week the organization was big, and now it is small, so they reduced his salary.

Mr. THOMPSON. Where have you got your office?

The INTERPRETER. 346 East One hundred and twelfth Street.

Mr. THOMPSON. Is that a saloon?

The INTERPRETER. Yes.

TESTIMONY OF MR. PATRICK JUDGE.

Mr. THOMPSON. Mr. Judge, will you give us your name and address?

Mr. JUDGE. Patrick Judge; business address, 154 East Fifty-fourth Street.

Mr. THOMPSON. And your business, Mr. Judge?

Mr. JUDGE. Secretary-treasurer of the Plasterers' Helpers' Protective Association.

Mr. THOMPSON. How long has that organization been in existence, if you know?

Mr. JUDGE. Since the 24th day of May, 1913. This is a new organization.

Mr. THOMPSON. What was its name before?

Mr. JUDGE. At the present time the organization is composed of three organizations, but prior to that all were at variance with each other; one of them was known as Form Local 87.

Mr. THOMPSON. I did not get that.

Mr. JUDGE. One organization that existed prior to the amalgamation was known as former Local 87, the other was known as former Local 28, and the other organization, which was the old organization, was known as plasterers' laborers, organized 1891—in May, 1891.

Mr. THOMPSON. What organizations of the old ones were you connected with?

Mr. JUDGE. With the old organization.

Mr. THOMPSON. With the old organization?

Mr. JUDGE. Yes, sir.

Mr. THOMPSON. Were those others locals of that organization?

Mr. JUDGE. Not until 1907; we became affiliated then with the International union in 1897.

Mr. THOMPSON. What International union do you mean?

Mr. JUDGE. The International Union of Hod Carriers and Building Laborers.

Mr. THOMPSON. The one of which Mr. Dominick D'Allessandro is general president?

Mr. JUDGE. Yes, sir.

Mr. THOMPSON. Are you affiliated with them to-day?

Mr. JUDGE. No, sir.

Mr. THOMPSON. When did you drop your affiliation?

Mr. JUDGE. We were suspended in March, 1909?

Mr. THOMPSON. For what were you suspended if you know?

Mr. JUDGE. Because they violated the constitution in so doing.

Mr. THOMPSON. Of what did that violation consist?

Mr. JUDGE. Well, it consisted in refusing to accept per capita tax that was in their possession for fully 33 days. They held the amount of money, which I forget exactly now; they held it in the office for 33 days, and at the expiration of that time it was returned to the local union with a letter stating that the per capita tax would not be accepted.

Mr. THOMPSON. Did they state why?

Mr. JUDGE. They stated that we were beyond the constitutional limit, and in the meantime, which we have proven since then in court, we were within the constitutional limits.

Mr. THOMPSON. What constitutional limit were you beyond?

Mr. JUDGE. They claimed that we owed over three months' per capita tax, and we did not owe three months for the reason that the money had been forwarded to them within the prescribed time.

Mr. THOMPSON. Is your organization willing to join the International Hod Carriers Building and Common Laborers' Union now?

Mr. JUDGE. No; I do not think so.

- Mr. THOMPSON. Does your organization interchange its cards with that union?
- Mr. JUDGE. No; there is no interchange of cards.
- Mr. THOMPSON. What jurisdiction does your organization claim?
- Mr. JUDGE. The Greater New York and vicinity.
- Mr. THOMPSON. For what kind of work?
- Mr. JUDGE. Pertaining to plasterers exclusively.
- Mr. THOMPSON. If a member of your organization wishes to work as a hod carrier, he must take out a card in another organization, must he not?
- Mr. JUDGE. Correct.
- Mr. THOMPSON. And if he wishes to work as a mason's helper, he must also take out another card, must he not?
- Mr. JUDGE. Correct.
- Mr. THOMPSON. And if a common laborer in this city wishes to work either as a plaster's helper, as a mason's helper, or as a hod carrier, he must take out additional cards?
- Mr. JUDGE. Yes, sir.
- Mr. THOMPSON. And pay an initiation fee?
- Mr. JUDGE. Yes, sir.
- Mr. THOMPSON. And pay dues?
- Mr. JUDGE. Yes, sir.
- Mr. THOMPSON. How many organizations of building laborers are there in this city, if you know?
- Mr. JUDGE. There are practically only two organizations; that is, the bricklayers' laborers and the plasterers' helpers. They are the only genuine organizations of laborers in New York City.
- Mr. THOMPSON. But there are also several others, are there not?
- Mr. JUDGE. Yes, sir.
- Mr. THOMPSON. Who are not genuine?
- Mr. JUDGE. They are other organizations created here.
- Mr. THOMPSON. Is your organization an incorporated organization?
- Mr. JUDGE. No, sir.
- Mr. THOMPSON. Have you a printed constitution and by-laws?
- Mr. JUDGE. Yes, sir.
- Mr. THOMPSON. Have you that with you now?
- Mr. JUDGE. Not at present.
- Mr. THOMPSON. Will you furnish a copy of that to this commission?
- Mr. JUDGE. I certainly will; yes, sir.
- Mr. THOMPSON. What is the initiation of your organization?
- Mr. JUDGE. The initiation fee is \$25.
- Mr. THOMPSON. To whom does that initiation fee go?
- Mr. JUDGE. To the organization.
- Mr. THOMPSON. Do you get any part of it?
- Mr. JUDGE. The applicant applies to the executive board, and his first installment is \$5, and there is six months allowed for paying the balance of the \$25. As a rule, it all passes through my hands.
- Mr. THOMPSON. Well, do you get any portion of that \$25 as your own fee?
- Mr. JUDGE. No, sir.
- Mr. THOMPSON. That all goes into the organization?
- Mr. JUDGE. All goes to the organization.
- Mr. THOMPSON. What is the principal nationality of your union?
- Mr. JUDGE. We are composed of all nationalities. There is over 50 per cent of them Italians. We have Germans, we have Irish, and we have negroes.
- Mr. THOMPSON. What is the present membership of your organization?
- Mr. JUDGE. Well, approximately, including permit holders, about 1,200 men.
- Mr. THOMPSON. At one time did you charge as much as \$100 for an initiation fee?
- Mr. JUDGE. Yes, sir.
- Mr. THOMPSON. When was that?
- Mr. JUDGE. In the prosperous years of 1905 and 1906.
- Mr. THOMPSON. Why did you charge so much for initiation dues?
- Mr. JUDGE. Because so many applicants appeared to be admitted into the organization that we considered it advisable to protect our members.
- Mr. THOMPSON. And that was the reason?
- Mr. JUDGE. Yes.
- Mr. THOMPSON. Does your organization have other offices?
- Mr. JUDGE. Yes, sir.
- Mr. THOMPSON. Who are they—I mean, what are the offices?

Mr. JUDGE. President, vice president, recording secretary, trustees, and an executive board of five members; six last year, but they decided on five for this coming year.

Mr. THOMPSON. How often does it hold an election?

Mr. JUDGE. Annually.

Mr. THOMPSON. Annually?

Mr. JUDGE. Yes, sir.

Mr. THOMPSON. All members have a right to vote?

Mr. JUDGE. Correct.

Mr. THOMPSON. What are your monthly dues?

Mr. JUDGE. Forty cents.

Mr. THOMPSON. Does your organization publish a financial statement?

Mr. JUDGE. Well, the trustees go over the book quarterly, and that is read to the organization and recorded in the recording secretary's book.

Mr. THOMPSON. What do they read, that they went over the books, and found them correct?

Mr. JUDGE. The standing of the organization and income for the last three months and expenses.

Mr. THOMPSON. Is that ever printed or written and given to the members?

Mr. JUDGE. Not so far to my knowledge. This is its first year of existence.

Mr. THOMPSON. Now, your organization—in the other organizations was the financial statement ever printed and furnished to members?

Mr. JUDGE. Not to my knowledge.

Mr. THOMPSON. In this statement that is read to the members at the meeting, does it state how much money you are paid, and how the income is expended, the details of it?

Mr. JUDGE. Yes; it is all itemized.

Mr. THOMPSON. Can you furnish this commission with a copy of the financial statement that was read at the last meeting of the members?

Mr. JUDGE. I can furnish you with the last statement, which was handed in by the trustees.

Mr. THOMPSON. And read to the members?

Mr. JUDGE. Yes, sir. In fact, the whole of them, since last May.

Mr. THOMPSON. I would be pleased if you would do that.

Mr. JUDGE. Yes, sir.

Mr. THOMPSON. What is your salary?

Mr. JUDGE. Twenty-five dollars per week.

Mr. THOMPSON. Is that all the money you get from the organization?

Mr. JUDGE. That is all the money I get.

Mr. THOMPSON. Or membership of the organization?

Mr. JUDGE. Or from anybody else.

Mr. THOMPSON. Does your organization maintain regular headquarters?

Mr. JUDGE. Yes.

Mr. THOMPSON. Where are they?

Mr. JUDGE. 151 East Fifty-fourth Street.

Mr. THOMPSON. 154 East Fifty-fourth?

Mr. JUDGE. 154 East Fifty-fourth.

Mr. THOMPSON. Does your organization furnish employment to its members?

Mr. JUDGE. Whenever they possibly can do so they will.

Mr. THOMPSON. Does it charge the members a fee for that?

Mr. JUDGE. Certainly not.

Mr. THOMPSON. The fact that they are members of the union is sufficient?

Mr. JUDGE. That is enough.

Mr. THOMPSON. What are the present hours and wages of the members of your union, if you know?

Mr. JUDGE. Wages are \$3.25 per day—supposed to be—and the hours are eight hours.

Mr. THOMPSON. What relation, if any, has your organization to the stonemason laborers' international union—the one just spoken of—and does your organization exchange cards with them?

Mr. JUDGE. No interchange of cards with any organization.

Mr. THOMPSON. What relation has your organization with the plasterers' union?

Mr. JUDGE. Well, we are directly affiliated with the plasterers, and all agreements on the arbitration plan are made through the trade.

Mr. THOMPSON. In other words, you act with the plasterers' organization?

Mr. JUDGE. Yes, sir.

Mr. THOMPSON. In this city?

Mr. JUDGE. Yes, sir.

Mr. THOMPSON. Is there any movement on foot at this time to have the various labor organizations in this city that deal with the building trades join together?

Mr. JUDGE. Not that I know of.

Mr. THOMPSON. Would you have any objection to that?

Mr. JUDGE. I am certainly always in favor of conciliation.

Mr. THOMPSON. What is that?

Mr. JUDGE. Always in favor of harmony.

Mr. THOMPSON. And of amalgamation?

Mr. JUDGE. Yes, sir.

Mr. THOMPSON. I think you have stated that your arrangement with the master builders' association is through the plasterers?

Mr. JUDGE. With the employing plasterers' association. Our agreements are all made through the mechanics of the industry—the plasterers.

Mr. THOMPSON. I see; that is all, Mr. Chairman.

Chairman WALSH. Anything else? That is all; thank you, Mr. Judge.

Call your next, Mr. Thompson.

Mr. THOMPSON. Mr. Antonio Manzi, please take the stand.

TESTIMONY OF MR. ANTONIO MANZI.

Mr. THOMPSON. Where do you live, and what is your business?

Mr. MANZI. 2195 Belmont, in The Bronx.

Mr. THOMPSON. What is your business?

Mr. MANZI. I am business agent of the International Hod Carriers' Union. I used to be business agent of the Laborers' Union Protective Society about 10 years; bricklayers' helpers. I have been with the branch in the national union only about two months, and I represent them.

Mr. THOMPSON. Then you are not connected any more with the Laborers' Union Protective Society?

Mr. MANZI. No, sir.

Mr. THOMPSON. Has that gone out of existence?

Mr. MANZI. Not yet. I don't know how many members I am going to get yet. They are working together so far now.

Mr. THOMPSON. In other words, your desire is to bring the old Laborers' Union Protective Society to affiliate with the international organization?

Mr. MANZI. Correct; I am trying to do that.

Mr. THOMPSON. Does the old protective union have a printed constitution and by-laws?

Mr. MANZI. Not yet; we have a general constitution—

Mr. THOMPSON. I mean of the old society?

Mr. MANZI. Yes, sir; I supplied Mr. Sullivan with one.

Mr. THOMPSON. Why did you leave that organization and form this other organization?

Mr. MANZI. What is the reason?

Mr. THOMPSON. Yes, sir.

Mr. MANZI. Well, since the hard time come in New York—not only in New York, I think all over the United States—the general council, what we call the executive board of the Labor Union Protective Society, there have been some jealousy there; there developed the Irish element trying to throw down a good man, a fellow named Sullivan, general secretary; and those fellows won't pay no more per capita tax to the general council to pay the officers. I mean, so they can pay the general secretary and delegates. So all those locals, they refused to pay the taxation and they have been now without a delegate three or four months. They don't have no representation at all. In the first place, and, in the second place, those locals are all broke except two or three. No. 11, No. 5, and No. 10, they have a few cents, few pennies; the others all broke. They got debts; they can't pay no death benefit.

Mr. THOMPSON. How many members did that organization have?

Mr. MANZI. Altogether?

Mr. THOMPSON. Yes; in the past?

Mr. MANZI. Six thousand five hundred altogether.

Mr. THOMPSON. How many do you think it has now?

Mr. MANZI. Well, I think they only got now about 3,000; all run out.

Mr. THOMPSON. Who is the head of that organization?

Mr. MANZI. You mean general president?

Mr. THOMPSON. Yes, sir.

Mr. MANZI. Louis Mulossi, an Italian.

Mr. THOMPSON. What other officers besides the president does it have— vice president, secretary, and treasurer?

Mr. MANZI. Correct—regular board.

Mr. THOMPSON. And the printed constitution and by-laws which we have is the by-laws and constitution for that organization?

Mr. MANZI. Yes, sir.

Mr. THOMPSON. What is the majority of the membership, if you know?

Mr. MANZI. To-day?

Mr. THOMPSON. Yes.

Mr. MANZI. I don't think it is more than 3,000.

Mr. THOMPSON. I mean what nationality?

Mr. MANZI. There are all kinds—Irish, Italians, Germans, Negroes, Jews—

Mr. THOMPSON (interrupting). Which has the most?

Mr. MANZI. The Italians.

Mr. THOMPSON. What is the membership?

Mr. MANZI. Two-thirds.

Mr. THOMPSON. Is the name of your organization given in your constitution and by-laws—the old body?

Mr. MANZI. Certainly. Everybody has got the by-laws and constitution.

Mr. THOMPSON. Did your organization, the old organization of the Laborers' Protective Society, issue financial statements to its members?

Mr. MANZI. They did.

Mr. THOMPSON. In print?

Mr. MANZI. Every six months; not printed, but just appointed a committee and audited the books and read that out in the meeting room, and that is all.

Mr. THOMPSON. What salary does the president get, if you know?

Mr. MANZI. Two dollars per meeting.

Mr. THOMPSON. Is that all he gets from the organization?

Mr. MANZI. That is all he gets.

Mr. THOMPSON. What salary does the business agent get?

Mr. MANZI. Twenty-five dollars.

Mr. THOMPSON. Is that the only money he gets from the organization?

Mr. MANZI. That is all.

Mr. THOMPSON. Is there any other officer who gets any salary or money from the organization?

Mr. MANZI. Well, the board of officers—the secretary, the president, the treasurer.

Mr. THOMPSON. What does the secretary get?

Mr. MANZI. All \$2 apiece—\$2 for each officer.

Mr. THOMPSON. Where are the headquarters of the Laborers' Union Protective Society?

Mr. MANZI. 229 East Twenty-seventh Street.

Mr. THOMPSON. Is that in connection with a saloon?

Mr. MANZI. Yes; it is upstairs; the saloon is on the ground floor.

Mr. THOMPSON. Has the headquarters of the union any connection with the saloon? Are any of the officers of the organization interested in the saloon?

Mr. MANZI. No.

Mr. THOMPSON. Is there any connection between the two?

Mr. MANZI. Connection what?

Mr. THOMPSON. Well, that's all. Are any of the heads of your organization interested in the saloon financially?

Mr. MANZI. Which saloon?

Mr. THOMPSON. The one beneath the headquarters?

Mr. MANZI. No.

Mr. THOMPSON. That is purely accidental, that the headquarters happened to be over a saloon, then?

Mr. MANZI. The hall over the saloon upstairs; yes, sir.

Mr. THOMPSON. What is the present rate of wages of that organization and the hours per day?

Mr. MANZI. They are supposed to get \$3. Some are getting \$3.25, some \$2.50 a day; but the boss gets an advantage, because we are not very well organized.

Mr. THOMPSON. I mean of the old organization.

Mr. MANZI. Supposed to get \$3, but they are not getting it. With the exception of a few bosses downtown, a good boss, they pay him a few dollars a day.

Mr. THOMPSON. Is the president of the local union that you now belong to the owner of a liquor store or saloon?

Mr. MANZI. No, sir.

Mr. THOMPSON. Has he got any interest in a liquor store?

Mr. MANZI. No, sir; he is working in the business, that is all.

Mr. THOMPSON. Working in the business?

Mr. MANZI. Yes, sir.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions, Mr. Garretson?

Commissioner GARRETTSON. No, sir; thank you.

Chairman WALSH. Call your next.

Mr. THOMPSON. Mr. Dunn, the head of the bricklayers' international organization, Mr. Chairman, was not able to be present at the time.

Chairman WALSH. Is he here now?

Mr. THOMPSON. He is here now.

Chairman WALSH. Put him on—Mr. Dunn.

Mr. THOMPSON. I will ask the commission to forbear for a moment until I look back over the record.

Chairman WALSH. Who is the next regular witness—Mr. Frayne?

Mr. THOMPSON. Mr. Frayne and Mr. Donnelly, but neither of them are here.

Chairman WALSH. Yes; Mr. Donnelly is here.

Mr. THOMPSON. I would prefer to have Mr. Frayne and Mr. Donnelly appear at the same time, Mr. Chairman.

TESTIMONY OF MR. EDWARD DUNN.

Direct examination.

Mr. THOMPSON. Mr. Dunn, will you please give us your full name, your address, and your business?

Mr. DUNN. Edward Dunn, 239 East Eighty-fourth Street, New York City; financial secretary of the Bricklayers' Union No. 34.

Mr. THOMPSON. Are the bricklayers members of the United Board of Business Agents?

Mr. DUNN. No, sir.

Mr. THOMPSON. Why are they not members of the United Board of Business Agents, if you know?

Mr. DUNN. They have a trade agreement with the mason builders' association of New York City, and in that agreement it is understood that there shall be no affiliation.

Mr. THOMPSON. Why does that agreement provide there shall be no affiliation with the United Board of Business Agents?

Mr. DUNN. Well, on account of sympathetic strikes.

Mr. THOMPSON. It is true, is it not, that many of the unions who are affiliated with the United Board of Business Agents have agreements with their master employers?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. Then your agreement differs from the other agreements made by unions of the building trades with the master employers?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. Why is that in your case, that provision, whereas in other cases there is no such provision, if you know?

Mr. DUNN. I can not answer that question.

Mr. THOMPSON. You can not?

Mr. DUNN. No, sir.

Mr. THOMPSON. All you know is that it is in the agreement?

Mr. DUNN. It is in the agreement; yes, sir.

Mr. THOMPSON. How long have you been connected with the bricklayers' organization?

Mr. DUNN. Twenty-one years.

Mr. THOMPSON. In this city?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. Were you connected with it at the time the first agreement was made?

Mr. DUNN. No, sir.

Mr. THOMPSON. With the master builders?

Mr. DUNN. No, sir.

Mr. THOMPSON. You were not?

Mr. DUNN. No, sir.

Mr. THOMPSON. Do you know when this provision was first put in the agreement between the master builders and your organization, that they should not affiliate with the United Board of Business Agents?

Mr. DUNN. About 1888, I suppose. I am not positive of any date.

Mr. THOMPSON. That was before your time?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. As a matter of fact, generally throughout the country, your organization does not affiliate in the Central Labor bodies of the cities and towns where it is located, does it?

Mr. DUNN. I have no positive knowledge.

Mr. THOMPSON. You have no knowledge?

Mr. DUNN. No, sir.

Mr. THOMPSON. Is your organization, the international union, affiliated with the American Federation of Labor?

Mr. DUNN. No, sir.

Mr. THOMPSON. Do you know why it is not affiliated with the American Federation of Labor?

Mr. DUNN. The bricklayers of the country have taken a referendum vote voted not to affiliate in any way.

Mr. THOMPSON. Do you know the principal reason or argument upon which they refused to affiliate?

Mr. DUNN. No, sir.

Mr. THOMPSON. Have you got any idea why they do not affiliate?

Mr. DUNN. I suppose they consider there would be too much loss of time to protect themselves.

Mr. THOMPSON. In other words, they feel——

Mr. DUNN. They would be called upon by every organization to go on sympathetic strikes, and they are able to take care of themselves; that is my personal opinion.

Mr. THOMPSON. How large is your organization in this city?

Mr. DUNN. Do you mean Local No. 34?

Mr. THOMPSON. Well, all the bricklayers?

Mr. DUNN. About 9,000.

Mr. THOMPSON. About 9,000.

Mr. DUNN. Yes, sir.

Mr. THOMPSON. How steadily during the year are they employed? I mean to take a normal year. About how much work during a normal year does a bricklayer have?

Mr. DUNN. In the past year the membership worked on an average of about 40 per cent.

Mr. THOMPSON. Was that a normal year or below normal?

Mr. DUNN. Abnormal. Below normal.

Mr. THOMPSON. A dull year?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. During an average year, about how much time would they put in?

Mr. DUNN. About 65 per cent of the time.

Mr. THOMPSON. About 65 per cent of the time?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. What is the wage they receive in the city of New York?

Mr. DUNN. Seventy-five cents per hour.

Mr. THOMPSON. Eight hours a day?

Mr. DUNN. Eight hours a day, double time for overtime.

Mr. THOMPSON. Something has been said here, Mr. Dunn, with reference to the claim made by your international organization and marble fitting, but it was stated that no commission had as yet been brought up in this city in regard to that matter.

Mr. DUNN. That is positively so.

Mr. THOMPSON. That is true, is it?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. Do you know anything about jurisdictional fights?

Mr. DUNN. No, sir.

Mr. THOMPSON. Except the claims of the international union?

Mr. DUNN. No, sir.

Mr. THOMPSON. Did you know about the arbitration plan which was in existence in this city for a number of years, since 1903 and 1904?

Mr. DUNN. Yes, sir. I happened to be a member of it.

Mr. THOMPSON. Were you in favor of that plan?

Mr. DUNN. No, sir.

Mr. THOMPSON. Why were you not in favor of it?

Mr. DUNN. Because I believed that it was an instrument gotten up by the employers to protect themselves.

Mr. THOMPSON. In which way?

Mr. DUNN. Why, against strikes and lockouts. That is, the employers' association formed the arbitration plan to protect themselves and force the labor unions to do their bidding.

Mr. THOMPSON. Does your organization to-day submit to the determination the questions arising in the trade to the executive board of master employers' association?

Mr. DUNN. We have a joint arbitration board.

Mr. THOMPSON. That is, with your own particular master masons?

Mr. DUNN. Yes, sir.

Chairman WALSH. We will now adjourn until this afternoon at 2 o'clock, to meet promptly at 2 o'clock in this room. Please return at 2 o'clock, Mr. Dunn.

Mr. THOMPSON. I might say I do not care to ask him any further questions.

Chairman WALSH. He can come back at 2 o'clock. There might be some questions arise. If it is convenient to Mr. Dunn.

Mr. DUNN. All right, sir.

(At 12.30 the commission adjourned, to meet again at 2 p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will please be in order. Call your next witness, Mr. Thompson.

Mr. THOMPSON. Mr. Donnelly.

Chairman WALSH. Mr. Dunn, I think, you had a question or two more that you wanted to ask.

Mr. THOMPSON. I was through with Mr. Dunn.

Chairman WALSH. Do any of the commissioners care to ask Mr. Dunn anything? Take the chair, Mr. Dunn.

TESTIMONY OF MR. EDWARD DUNN—Continued.

Commissioner LENNON. You stated before dinner that you did not like the plan of arbitration because it was not in the interests of the union. Did you consider it a plan in the interests of the employers?

Mr. DUNN. Yes, sir.

Commissioner LENNON. For what purpose?

Mr. DUNN. Well, in one instance I will cite that the dual organization was formed in the electrical workers, and this dual organization had a disagreement with their employers, and the executive committee of the general arbitration board appeared before the meeting of the dual organization and practically put them out of business—that is, through their statements.

Commissioner LENNON. Under what circumstances were the dual organizations formed by the employers who were in the plan of arbitration? What caused them to form dual organizations?

Mr. DUNN. Well, by the old-line trades failing to obey the executive orders of the committee or the arbitration board employers, and a new organization was formed.

Commissioner LENNON. Well, then, this plan, according to your understanding of the plan, might be considered compulsory arbitration?

Mr. DUNN. Yes, sir. Every union, I think, that was in the arbitration plan was compelled to sign it—to sign the agreement.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Dunn, did I understand you to say that your union was not affiliated with the American Federation of Labor?

Mr. DUNN. Yes, sir.

Chairman WALSH. And your personal opinion of the reason was what?

Mr. DUNN. Why, that we would be on the street most of the time.

Chairman WALSH. On account of sympathetic strikers, etc.?

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Mr. DUNN. Yes, sir.

Chairman WALSH. Now, is it the policy of your organization to join or not to join building trades councils in various cities?

Mr. DUNN. I can not answer for any city except New York.

Chairman WALSH. Does it join the building trades council in New York City?

Mr. DUNN. No, sir.

Chairman WALSH. Are the locals permitted to join building trades councils if they desire to do so?

Mr. DUNN. I don't believe so.

Chairman WALSH. So that you would say, then, that the general policy of the organization is not to affiliate with any other unions?

Mr. DUNN. Yes, sir.

Chairman WALSH. Do you or do you not believe that it has been advantageous to the other building trades that have joined together in the way of getting better hours or better wages?

Mr. DUNN. Yes, sir.

Chairman WALSH. So that if all of the unions had adopted the same policy as the bricklayers' union, the general condition of the constituencies would not have been nearly so good? Is that correct?

Mr. DUNN. Well, the conditions are different in the bricklaying line.

Chairman WALSH. Is there any difference between the bricklayers and any other trade except that they are an old, strong, and wealthy organization?

Mr. DUNN. Yes, sir; they are the first on the building.

Chairman WALSH. You mean they are first on the building in the course of construction?

Mr. DUNN. Yes, sir.

Chairman WALSH. They come on before the building is excavated?

Mr. DUNN. Oh, no. I say they are the first of the structural trades to go on the building.

Chairman WALSH. Before the foundations are put in?

Mr. DUNN. No, sir. The foundations are only a minor part of some of the larger structures in a big city.

Chairman WALSH. That is all. Anything else by anyone? That is all, thank you, Mr. Dunn. Call your next witness, Mr. Thompson.

Mr. THOMPSON. Is Mr. Donnelly here?

TESTIMONY OF MR. SAMUEL B. DONNELLY.

Mr. THOMPSON. Mr. Donnelly, will you please give us your name, your address, and your present occupation?

Mr. DONNELLY. Samuel B. Donnelly, 25 Brooklyn Ave., Brooklyn; occupation, secretary of the Building Trades Employers' Association of the city of New York.

Mr. THOMPSON. How long have you been secretary of the Building Trades Employers' Association?

Mr. DONNELLY. Since October 1, 1913.

Mr. THOMPSON. What were you doing previous to that time?

Mr. DONNELLY. For four and a half years I was United States Public Printer.

Mr. THOMPSON. Located at Washington?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. Prior to that time, what were you doing?

Mr. DONNELLY. I was secretary of the building trades arbitration board.

Mr. THOMPSON. Practically the same building trades employers' association that you are now connected with?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. For how long were you secretary of the arbitration board?

Mr. DONNELLY. From the time of its formation in July, 1903, until December 1, 1908.

Mr. THOMPSON. It terminated in 1910?

Mr. DONNELLY. Yes.

Mr. THOMPSON. What office did you hold between 1908 and 1910, if any?

Mr. DONNELLY. None, in the city of New York.

Mr. THOMPSON. In a general way, are you acquainted with the character of the matters which came up before the arbitration board?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. Do you remember them?

Mr. DONNELLY. From 1903 to December, 1908; yes, sir.

Mr. THOMPSON. Were the majority of the matters that came up there jurisdictional matters?

Mr. DONNELLY. Fifty-five per cent were jurisdictional matters or disputes caused by jurisdictional questions.

Mr. THOMPSON. At least 55 per cent. The arbitration plan is the one, of course, that Mr. Eidlitz was connected with?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. And any statement he would make as to the formation of that arbitration plan would probably be correct, would it not?

Mr. DONNELLY. Probably; yes, sir.

Mr. THOMPSON. There has been a book prepared of the decisions of that arbitration board?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. That contains the decisions made during the time you were connected with it as secretary, do you know?

Mr. DONNELLY. Yes, sir. It does not contain all of the decisions made; it contains all of the decisions that were announced on jurisdictional questions, particularly.

Mr. THOMPSON. In regard to the method of arbitration which was embodied in the so-called arbitration plan, in your opinion, from your experience with it, was it a good method?

Mr. DONNELLY. It was.

Mr. THOMPSON. Do you think it to be the best method that could be adopted?

Mr. DONNELLY. I think it is the best method that has been tried in this country.

Mr. THOMPSON. Then you have no suggestions to make to this commission regarding any changes or amendments to that plan that from your experience you think should be made?

Mr. DONNELLY. Yes; I would make some changes had I the—if such duty devolved upon me.

Mr. THOMPSON. Well, have you got any suggestions to make now to the commission in respect thereto?

Mr. DONNELLY. The principal cause of complaint on the part of unions as to the working of the arbitration plan was as to the delays and the time that lapsed from the bringing of a complaint until the rendering of a decision by the executive committee or by an umpire. Frequently the executive committee would deadlock and would lay a case on a table and adjourn it, and in that way a decision would be postponed for, frequently, as long as a month; and in the trial of cases that were sent to an umpire, a voluminous and unnecessary record was frequently created which tended to cause delay in the hearing and which greatly prolonged the hearing of the case and made the work of the umpire more arduous than was really necessary. The plan could be improved by requiring the executive committee to either promptly decide a case or refer it to an umpire for decision. The plan could be improved by requiring an umpire to sit with the board of four when the case was being tried and to promptly render his decision at the conclusion of the hearing.

Then, one criticism was while the umpires were selected jointly by representatives of the contestants, the employers and employees, it frequently occurred that an umpire was selected whose experience was such that it rendered his task very great and it was frequently the impression that the umpires did not really understand the technicalities and the science of the art or mechanics of building-construction work; and it later became the practice, too, frequently, that those boards were deadlocked for some time in the matter of the selection of an umpire for the reason that after an experience with two or three attorneys the labor side objected to attorneys for umpires. At the present time it seems to be the opinion of those with whom I come in contact that it is really better to take the chances that a man might have some prejudice and select one who is familiar with the building industry and knows something about the technicalities of the different crafts.

Mr. THOMPSON. Did lawyers generally represent two sides of the hearing about this arbitration?

Mr. DONNELLY. No, sir.

Mr. THOMPSON. Then the records were not due to lawyers?

Mr. DONNELLY. No; but the records were due to a lack of knowledge of the rules of evidence, I might say. The voluminous records that were created were due to a lack of knowledge of the rules of evidence.

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Mr. THOMPSON. Outside of the objections you have named, Mr. Donnelly, did the plan work fairly well?

Mr. DONNELLY. Yes.

Mr. THOMPSON. Did it settle, and settle fairly well, the jurisdictional matters which came before it?

Mr. DONNELLY. It did.

Mr. THOMPSON. Did it give a degree of peace to the building industry in this city?

Mr. DONNELLY. It did.

Mr. THOMPSON. You were aware of the condition of the trade before that time?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. Have you any opinion as to whether or not a local adjustment of jurisdictional matters is superior to a national adjustment? Or would you permit of the use of both methods?

Mr. DONNELLY. Well, the city of New York is the place in which innovations and new materials are first tried. In the city of New York, the subdivisions of the trades first occur. A local condition has been created, and local precedents have been established here, and that condition seems to be satisfactory to both employers and employees. In speaking of that condition, I refer to the subdivision of trades and specialties in the building industry.

In other cities of the country, particularly the smaller cities, the subdivisions have not become—they are not—necessary. I do not see a national, or decisions arrived at by a national board, adjusting disputes for the entire country, could deal fairly with New York and at the same time deal fairly with the conditions in Albany and Binghamton or Buffalo.

Mr. THOMPSON. What is there, Mr. Donnelly, in the fact that there is a higher degree of specialization in this city to prevent a national board from considering that specialization and making a local adjustment allowing for it?

Mr. DONNELLY. There is no reason why a national board could not consider it and make a local adjustment.

Mr. THOMPSON. The jurisdictional dispute between the plumbers and the steam fitters was probably the most bitterly fought and perhaps the longest fought jurisdictional trouble that this country has had in the building trades; is that not so?

Mr. DONNELLY. It is possibly the largest, but I don't think the most bitterly fought.

Mr. THOMPSON. It is of long standing?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. And it was a very serious dispute?

Mr. DONNELLY. Yes, sir.

Mr. THOMPSON. As I understand, from Mr. Alpine, who was on the witness stand here, that matter was adjusted on a national basis, but that in making that adjustment on a national basis allowances were made in each city for the local conditions existing there, and that presented, the fact that conditions differed in almost every city, no serious difficulty whatever; that practically all over the United States adjustments were made within two weeks' time.

Mr. DONNELLY. Those adjustments were finally made between two organizations that were willing to have the adjustments made.

Mr. THOMPSON. But for years they had not been willing; but, for instance, when the American Federation of Labor took away the charter of the steam fitters and the steam fitters were left simply with local unions, then they got together. But there had been a bitter fight for years.

Mr. DONNELLY. But the American Federation of Labor took away the charter of other national organizations and it did not result in a settlement.

Mr. THOMPSON. What are those other organizations? And what jurisdictional conflicts did they have?

Mr. DONNELLY. I know they expelled the brewery workers, and I think they expelled the carpenters.

Mr. THOMPSON. On jurisdictional matters?

Mr. DONNELLY. And from what I read in the papers the disputes have not been adjusted.

There is not any difference, though, between the national body making local—in principle between national body making adjustments and the disputes being adjusted nationally on a different basis in each city, and each city settle its own dispute locally, and in my opinion, providing the national officers agree that that procedure shall be followed.

Mr. THOMPSON. Then you have no objection to a national settlement, such as was made by the plumbers and steam fitters?

Mr. DONNELLY. No; I say, may the Lord speed such settlements and adjustments.

Mr. THOMPSON. Jurisdictional disputes are one of the worst features of the building trades, are they not?

Mr. DONNELLY. They are the most annoying form of dispute, and the dispute that arouses, you might say, the meanest instinct in man, that invariably results in the union man striking against a fellow union man, which is a very deplorable condition.

Mr. THOMPSON. If the governmental body with national scope were organized for the purpose of working as a body on mediation and conciliation, adding the moral force of the public to help adjust jurisdictional disputes, whether local or national, do you think that would be a good thing or not?

Mr. DONNELLY. Well, I don't think it would be satisfactory to the unions. They complain bitterly always of the delay with our local boards here, working purely locally, and it is my experience that a Federal board is the most deliberate body that we have in this country—the most deliberate type of body—and I feel that a Federal board would not be satisfactory to the trade unions.

Mr. THOMPSON. I am speaking solely of the effect of such a board from a moral standpoint—the standpoint of the moral force it would have in helping, either helping the people to locally settle it themselves or to settle it nationally. What would be the moral influence of such a body?

Mr. DONNELLY. There could not be any objection to the moral influence of such a body.

Mr. THOMPSON. Would not the moral influence of such a body, properly constituted, be great or be apt to be great?

Mr. DONNELLY. It might, yes; it might be great.

Mr. THOMPSON. But you have no decided opinion on that?

Mr. DONNELLY. No; I have had some experience with the circumlocutory methods of Federal boards and institutions.

Mr. THOMPSON. Something has been said here, Mr. Donnelly, with reference to the organization of dual unions by the Building Trades Employers' Association, when they have trouble with a union in an industry. What do you know about the organization of dual unions and what has been their use by the employers?

Mr. DONNELLY. Why, the first one formed was the housesmiths. When the arbitration plan was put in effect in 1903 the housesmiths refused to sign, and an organization of housesmiths was formed of the men who went to work, and it grew to such an extent that it was eventually the chartered housesmiths union. International officers of the housesmiths' union took the matter in hand internationally and agreed to the arbitration plan, and the dual unions were then amalgamated. It was used in that case to force the existing union into line.

Mr. THOMPSON. That is, the structural ironworkers?

Mr. DONNELLY. Yes, sir; the first one formed. In 1904—

Mr. THOMPSON. (interrupting). The result has been that the metal lathers have taken—or the housesmiths have taken jurisdiction of certain work and have kept it ever since; is that true?

Mr. DONNELLY. No, sir; the metal lathers' is not a dual union analyzed by the employers.

Mr. THOMPSON. That is not the one you had reference to?

Mr. DONNELLY. No, sir; the metal lathers, so far as labor ethics go, is a legitimate organization.

Mr. THOMPSON. Well, Mr. Massey testified here yesterday that the metal lathers were originally one local of the structural ironworkers, or housesmiths' union, as he called it, and that they separated on a piece of work here in New York, and since that time they have been a separate body?

Mr. DONNELLY. The metal lathers' union, as a number of other unions, have come into New York through the introduction of new methods and materials. When the metal lath was introduced and came into general use in the place of wood lath a force of men were employed to apply the metal lath. The men were not housesmiths. The housesmiths' union, as I recollect it, said: "We do not claim the work. You go ahead and do it, and we will recognize you as a part of us." And the metal lathers' union grew as the introduction of metal lath became universal, until the metal lathers' union became able to stand on its own feet. The growth of the concrete construction—the increase

in concrete construction and the use of iron and steel in reinforcing concrete was done by practically the same class of employers who were employers of the metal lathers; that is, the manufacturers of metal lath. They were the first people to apply it in buildings, and the manufacturers of metal lath also manufactured the iron used for reinforcing concrete. In that way the metal lathers naturally came on to the work of reinforcing concrete, and when it grew to amount to something then the housesmiths began to covet it, and no doubt it would have resulted in a jurisdictional dispute in New York had not the housesmith got into trouble sufficient to engage all his attention. The metal lathers' union—when the arbitration plan was formed in 1903—was working, I think, under an agreement with the cement masters' league, and the reinforcing of concrete is a specialty. It is not structural steel work.

Mr. THOMPSON. Going back to the question of that dual housesmiths' union, Mr. Donnelly, what has become of that organization?

Mr. DONNELLY. That organization—the members of that organization joined the local of the United Housesmiths and Bridgmen when the settlement of the dispute with the national union was arrived at in the winter of 1903 or spring of 1904.

Mr. THOMPSON. Has the institution of forming dual unions been used several times by the employers of New York City?

Mr. DONNELLY. I think every time there has been a strike dual unions have been formed; that is, during the arbitration.

Mr. THOMPSON. Generally the formation of the dual unions by the employers' association has been a successful proceeding, has it not?

Mr. DONNELLY. Well, as I understand, looking at the proposition from the outside, this seemed to me to be the situation: When the arbitration plan was formed—oh, the employers' association is an association of associations; and the associations of which the employers' association is composed—a majority of them—were working under agreements with the unions when the arbitration plan was formed.

For instance, the most powerful association affiliated with the employers' association is possibly the mason-builders' association. The mason-builders' association has been working under an agreement with the bricklayers' union for many years with an arbitration provision in the agreement, and they had frequently arbitrated with the bricklayers some conditions prevailing with the plasterers and some prevailing in the stone trade and with many other trades; and when these disputes broke out in 1904, and the unions struck against the arbitration decisions and no question of wages and hours was involved, it seemed to me that there was an appreciable number of existing unions that were anxious to go to work but would not go to work as nonunion men; and in order to get them to work it was necessary for the employers to say to them: "Form a union, and we will recognize you." So they would form the union and they would go to work, as they said, with cards in their pockets. That is, I think, what the real situation was; that is, that the dispute was so technical—of such a technical nature that it did not appeal enthusiastically to the members of the unions and appreciable numbers of them were ready to go to work.

Mr. THOMPSON. In such peculiar cases of dispute the union was a very effective defense or weapon, whatever you call it, was it not?

Mr. DONNELLY. Oh, yes; it enabled them to man the shop and go ahead with the work, certainly.

Mr. THOMPSON. As a matter of fact, has that plan of forming dual unions given to the employers in the building trades of New York City the controlling hand in the settlement of difficulties arising in the trades between the employer and the employee?

Mr. DONNELLY. I don't think it has.

Mr. THOMPSON. Don't think it has?

Mr. DONNELLY. No. I haven't noticed it had in the end any materially weakening effect upon the so-called legitimate union when they again got in arms.

Mr. THOMPSON. Mr. Eldlitz, when he was on the stand, said that they had not abandoned that plan. I forget whether he stated it had been used since the dissolution of the arbitration plan. Do you know whether that method was given up?

Mr. DONNELLY. I don't know.

Mr. THOMPSON. Has it been used in the sheet-metal workers, drawing your attention to that?

Mr. DONNELLY. Since the dissolution of the plan?

Mr. THOMPSON. Yes.

Mr. DONNELLY. I am not familiar with the facts in that dispute at all, I only know that a local was in existence. From the members of locals referred to in discussions at the present time I would conclude that a dual union had been formed at the time of that dispute.

Mr. THOMPSON. Do you believe in the plan of arbitration? I take it that you do, Mr. Donnelly?

Mr. DONNELLY. Well, I don't know of any better plan. The cloak and suit industry of New York, they say that they have the best plan, and I don't think it is any better than this arbitration agreement.

Mr. THOMPSON. Are you referring now to the old plan of the cloak and suit industry?

Mr. DONNELLY. I am referring to the present plan of the cloak and suit industry.

Mr. THOMPSON. Of course in your building trades the question of discharge never becomes an important item, does it?

Mr. DONNELLY. The question of discharge?

Mr. THOMPSON. Yes, of the employee; of the union workers?

Mr. DONNELLY. No; not unless—

Mr. THOMPSON (interrupting). You have closed shops, generally speaking, have you not?

Mr. DONNELLY. Well, the plan is based on that principle; yes.

Mr. THOMPSON. And of course, if you are not conversant with the kind of questions that arise in the cloak and suit industries which deals with such questions as discharge and discrimination in the kind or character of work and the place of work in the workshop and things of that type—

Mr. DONNELLY (interrupting). The building industry has been an organized industry for many, many years, and the conditions existing in that industry are much different from those existing in industries that are newly organized.

Mr. THOMPSON. Now, the cloak and skirt industry, as I am informed, has an arbitration plan a good deal like yours up to the first of this year, and which it was almost impossible to get the arbitration board together, and it took them a long time to get a decision from them. That was found to be absolutely unworkable to meet the questions they have, having what you might call a preferential shop, which was a shop where nonunion people could, as a matter of fact, work, which brought up a question of discrimination, of course, against union men. Now, in the plan of to-day they have a committee on immediate action consisting of an umpire and representatives of both sides that can give immediate attention to questions arising in that trade which would not arise in your trade, and requirements are different?

Mr. DONNELLY. Yes; but our executive committee was a committee on immediate action. The executive committee met weekly, and they had many special meetings. When a clear and plain violation occurred, when the representatives of the union complained of a violation that was unquestionably existing, then special meetings were held.

Mr. THOMPSON. Just one question. I did not want to go into that question except as you raised it yourself. Did these executive meetings of yours, which were held, you say, once a week—was there an umpire ready then and there to take part in the discussion and decide the question instantly, if necessary?

Mr. DONNELLY. No.

Mr. THOMPSON. That is the plan they have had in the cloak industry to meet their case?

Mr. DONNELLY. That is a suggestion I made a few minutes ago that would improve this plan.

Mr. THOMPSON. Well, now, that plan they already have in the cloak protocol which was made last January. I agree with your suggestion in that regard, and agreed with you when you made it. Now, Mr. Donnelly, it has been stated here to this commission that the Building Trades Employees' Association has persistently refused to admit the board of manufacturers' association to membership in its organization and that the Board of Manufacturers' Association of New York City is in consequence denied the advantage of your arbitration plan and the decisions that you have built up and is interfered with in the installation of its work in this city. What do you know about that, if anything?

Mr. DONNELLY. Well, I only know this: That the boiler makers' union decided to come under the arbitration away back in 1903 or 1904, and they received no encouragement, because we did not consider the boiler makers to be a building trade. We considered the boiler makers to be a shop trade; and

if the boiler manufacturers are a building trade, then they belong in some one of the existing associations of employers. I am of the opinion that they are a shop trade and not a building trade.

Mr. THOMPSON. How do you discriminate, for instance, between the boiler manufacturers and the sheet-metal manufacturers and installers?

Mr. DONNELLY. Why, the sheet-metal worker has been on the buildings, and the sheet-metal manufacturer has been employed on buildings since tin and metal was substituted for wood in the construction of roofs and ornamental building fronts, so that they are an old building trade.

Mr. THOMPSON. I understand that, Mr. Donnelly; but I mean in principle, I understand that the fact, so far as the possession of the trade is concerned, that that is probably true, but the largest percentage of the sheet-metal workers' work is done in the shop, is it not?

Mr. DONNELLY. It is now; yes.

Mr. THOMPSON. About 75 per cent, I believe you stated?

Mr. DONNELLY. Yes.

Mr. THOMPSON. And about 25 per cent of the work is erection and construction work. Now, would not about the same percentages, with very little difference, hold true in the boiler manufacturers' association, while the larger portion of the work is done in the shop, by far the larger portion, yet the installation and the erection of the boilers is actually part of the boiler makers' trade?

Mr. DONNELLY. Well, conditions are different for this reason, that the sheet-metal worker when he originally came onto the building construction, he had a small shop and very simple tools, as his craft grew the work in the shop enlarged and became—the sheet-metal shop became quite a factor in that way, and the mechanic—the journeyman sheet-metal worker—became a shop trade. The use of boilers in buildings was adopted or came subsequent to the use of sheet metal in its many and complicated forms and the boiler is an integral part of the heating plant and installed as a part of the heating plant and can all be done by existing organizations, such as the steam fitter. Now, the boiler manufacturer, as I understand it, delivers his manufactured article to the building and sets it up in place. He has little if any work to perform except to assemble the machine. The connecting of the machine and the trimming of the boiler and the connecting of the machine and trimming of the machine, the attaching even of the steam gauge, is work that is claimed by the steam fitter and the steam fitter will work for the boiler manufacturer. In fact, all of the trades now working on them would be pleased to work for any manufacturer who will employ them at the prevailing scale of wages, so that the fact he is not permitted to membership in the Building Trades Employers' Association does not shut him out of building contracts.

Mr. THOMPSON. That is to say, the fact that he can not connect up the boiler with the rest of the heating plant, does not prevent the boiler manufacturer from selling his boiler and installing it and placing it in the building?

Mr. DONNELLY. No; and he is doing it.

Mr. THOMPSON. Is he ever interfered with in that work in the installation of the boiler in the building by any of the local unions, if you know, in the building trades?

Mr. DONNELLY. You mean by interference? Do you mean by that, strikes against him?

Mr. THOMPSON. Yes; so they prevent him putting the boiler in the building?

Mr. DONNELLY. Why, no; if he employs union men to install it. I don't know what reason they would have for preventing him other than that, if he employed mechanics who were members of the union.

Mr. THOMPSON. In your opinion, Mr. Donnelly, if the boiler makers' association became a part of your larger association and undertook to install their boilers and connect them up, would it lead to another jurisdictional fight between the boiler makers' union, if they are employed, and the plumbers, is that your opinion?

Mr. DONNELLY. That is hard to say what it would lead to. We have all the trouble—we are not seeking trouble.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon would like to ask you a few questions.

Commissioner LENNON. Mr. Donnelly, you stated that you believed local conditions were such, particularly in New York, that a settlement of jurisdictional

matters could be had better locally than on a national plan; I understood you to say that. Does that apply to the typographical union?

Mr. DONNELLY. No. For the reason that the arbitration in the typographical union had its origin with the national union, and arbitration in the building trades originates—has originated in the past—the establishing of the principle of arbitration has been entirely local.

Commissioner LENNON. Well, the jurisdictional disputes that have occurred in the typographical union, has an attempt often been made to settle them locally, or was it made a national issue?

Mr. DONNELLY. Jurisdictional disputes?

Commissioner LENNON. Yes.

Mr. DONNELLY. I don't remember but one, to my great regret. That was a national dispute. But you see, in the building trade this is the condition; the basic work of the trade is not affected by these jurisdictional disputes. The bricklayer and the plasterer and the sheet-metal worker and the carpenter, 90 per cent of the work that they perform—95 per cent of the work that they perform—has never been in question. The jurisdictional dispute invariably arises from change in method or the use of some new material which is tried as an experiment. The man who introduces it employs the trade that he thinks is best adapted to install it, and if it proves to be a success and grows in volume, then there is a row about it; they all want it; and the dispute is in its inception purely a local one and a local—you must recognize precedents, and the precedents frequently that the unions by their own conduct have established, and those are different all over the country. And then, the decision often affects—a decision may require an employer to change his entire force or compel all of his employees to relinquish membership in a union of which they had been members a great many years and join another union, which is a disagreeable task.

Commissioner LENNON. Yes; disagreeable, but something has to be done sometime or another with these jurisdictional problems. Mr. Donnelly, is not the arbitration plan in building trades compulsory arbitration?

Mr. DONNELLY. Well, I don't know that you would call it compulsory. I was just trying to think of how to state it. The means of enforcing arbitration decisions are wholly those possessed by the employer and the means that he uses to enforce the decisions might be said to be the lockout; but in New York he has not had an opportunity to enforce decisions by lockouts, because the rows have been initiated by the union—the violation of the initiative has been done first by the organization invariably.

Commissioner LENNON. But when they took that stand—the unions—then the employers followed it by creating a dual union, didn't they?

Mr. DONNELLY. Yes, sir.

Commissioner LENNON. Isn't that compulsory?

Mr. DONNELLY. Yes. Possibly the reason they took the stand is this: That the employer is in position to get the decision, put it in effect, as he has the control as it were of the contract, and the general contractor has the power, for instance, or can induce the architect to say this work does not belong in Smith's contract. It is not the work of that trade; it has been decided to be the work of another trade; and it must go into Jones's contract who employs the men that it has been decided to do this work.

Commissioner LENNON. Mr. Donnelly, there have been several instances where witnesses have testified as to rumors of graft on the part of representatives of the union, and in some cases on the part of contractors. Have you ever heard of such rumors? I mean within recent times; I do not mean to go back years?

Mr. DONNELLY. I have heard such rumors. I have no personal knowledge.

Commissioner LENNON. You have no personal knowledge of it?

Mr. DONNELLY. At any time of any such payment of money? So far as the arbitration board and plan and scheme is concerned, from its inception until I ceased to be an officer of the board in 1908, I can say that, without any doubt, it was—the conduct of all its business on both sides was perfectly plain and free from coercion, intimidation, or bribery.

Commissioner LENNON. Did the carrying of the relations between the trades and the building operators under the plan—did it embody the idea, either expressed or because of their action, that they would not stand for anything of that kind; that, under the plan that a contractor found guilty of graft or a business agent found guilty of graft, they would be proceeded against in some way or another?

Mr. DONNELLY. Undoubtedly it would. The members of the arbitration board selected by the unions were men against whom I never heard a breath of suspicion, and I believe they would have taken very drastic action had they ever obtained evidence of corruption on the part of a business agent.

Commissioner LENNON. All right. That is all I have to ask.

Chairman WALSH. Commissioner O'Connell has a question.

Commissioner O'CONNELL. The arbitration plan is not now in operation?

Mr. DONNELLY. There is no board in existence. The board of business agents has announced as a policy that it will, so far as it is concerned, maintain the decisions of the arbitration board and the employers' position is that they are maintaining—continuing it as nearly as they can comply with its principles. While it is not in existence we have had two arbitrations of jurisdictional disputes during the past four months.

Commissioner O'CONNELL. Suppose an organization was part of the board of business agents who had been suspended from the arbitration plan, and a grievance affecting that organization came up, would your organization recognize the board of delegates and treat with them for an adjustment in behalf of that organization?

Mr. DONNELLY. We have recognized the board of delegates as recently as January of this year as the representatives of the union that was not working in agreement with its employers and was not recognized by its association.

Commissioner O'CONNELL. The painters' organization, I understand, is not in contractual relation with the association of painters. Suppose that organization had a grievance that was brought to the attention of your board through its business organization, would your organization treat with the proposition?

Mr. DONNELLY. Why, yes, sir. We treated with the painters' representatives directly up until about one month ago, when they called a number of strikes; and since that time there has been no communication.

Commissioner O'CONNELL. Suppose the representatives of the Ironworkers were suspended by the arbitration plan and that they were represented through the board of business agents and came with a grievance to your organization, would you give consideration to that proposition?

Mr. DONNELLY. We arbitrated a question regarding the Ironworkers two months ago.

Commissioner O'CONNELL. Have some of the employers' association organizations been suspended by your organization for want of compliance by the organization's orders?

Mr. DONNELLY. Not the employers' organization, but individuals have been suspended.

Commissioner O'CONNELL. They have been reinstated?

Mr. DONNELLY. Well, by recollection is that during the time the arbitration board was in existence that a number of employers were fined and one or two suspended; and I think one expelled for not living up to the decisions of the arbitration board. But to answer your last question the employers' organization at the present time, its officers and its executive committees are treating with and are recognizing any union that is a member of the unions that have a grievance with their employers, and some who have not. The statement—to quote one of its officers, is this—If you come here first and do not go around calling strikes, we will do everything we can to adjust the differences and settle the disputes. That is the policy.

Commissioner O'CONNELL. Largely based upon the adjustments that have heretofore been made under the plan?

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. Would not, or could not, be based upon any new plan of adjustment?

Mr. DONNELLY. Only arbitration; that is all.

Commissioner O'CONNELL. And that arbitration would be how?

Mr. DONNELLY. Mutual.

Mr. O'CONNELL. By both sides selecting parties—

Mr. DONNELLY (interrupting). And those select an umpire; yes sir.

Commissioner O'CONNELL. In the formation of the arbitration plan and in the selection of the officers of the arbitration plan, they were mutually agreed upon by both parties, were they not?

Mr. DONNELLY. Yes, sir. The officers were elected semiannually and were agreed upon—each practically unanimously selected. That is, if the two sides deadlocked in an election, they appointed a conference committee and entered into an agreement—

Commissioner O'CONNELL (Interrupting). Take the persons first selected in the arbitration plan, were they unanimously agreed upon by the employers and the employees?

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. You are dealing indirectly with the unions now?

Mr. DONNELLY. Yes, sir; dealing directly with the business agents.

Commissioner O'CONNELL. Dealing directly with the organization?

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. But not recognizing them as organizations?

Mr. DONNELLY. Yes, sir; we are recognizing all of them as organizations and the special organizations of the employers' association have agreements with all of them, except the painter and the house man.

Commissioner O'CONNELL. I understand you recognize them only to the extent as to those things formerly agreed upon by the arbitration plan—the things you mutually agreed upon in the days gone by.

Mr. DONNELLY. As to jurisdiction, yes, sir.

Commissioner O'CONNELL. Yes. I am now speaking about jurisdiction.

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. And anything new that came up on that would have to be settled upon the basis that was reached formerly?

Mr. DONNELLY. Yes, if the former decisions in any way affected it.

Commissioner O'CONNELL. Yes. Now, in that arrangement the employers and the employees had an equal say in the matter of the selection plan?

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. In your present organization—in the recent selection of yourself as secretary of your own organization—you were selected solely by the employers?

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. The employees had nothing to do with it at all?

Mr. DONNELLY. No, sir; but any arbitration, of course, must be mutual. I do not—neither do the employers—decide any jurisdictional questions other than those to which the decisions apply except through arbitration.

Commissioner O'CONNELL. Supposing they had a case of arbitration upon something that formerly fell under the arbitration plan, and the new arbitration board decided something directly opposite to what you had formerly decided, would your association agree to the entire change of that plan?

Mr. DONNELLY. No. No; the—

Commissioner O'CONNELL (Interrupting). You would not abide by the decision of the arbitration in that kind of a case?

Mr. DONNELLY. It would not be possible for them to agree. In the first place any question that is clearly settled by the old decisions is settled finally and could not again go to arbitration.

Commissioner O'CONNELL. For all time?

Mr. DONNELLY. For all time. Any question that is doubtful as to whether the application of the old decisions—to which the application of the decision is very doubtful—would go to arbitration as a new case.

Commissioner O'CONNELL. And if I thought I had a grievance with the employers' association I would necessarily first sit down and read all the decisions that have been formerly rendered, to ascertain whether I had a grievance or not?

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. Before I would be justified in bringing anything before you?

Mr. DONNELLY. Yes, sir.

Commissioner O'CONNELL. I don't quite see where my chance is. How many decisions are there, Mr. Ballard wants me to ask, that I would have to look over.

Mr. DONNELLY. Oh, only about 75.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. Any other questions?

Mr. THOMPSON. Just one more question. I would like to ask a question—I am not sure whether it is in our record or not, Mr. Donnelly, but, as I understand, the facts were that at the time that the employers' association adopted this plan they locked the unions out generally in the building trades of this city?

Mr. DONNELLY. Yes; but there has been more than one plan.

Mr. THOMPSON. But the first—

Mr. DONNELLY (interrupting). Yes; in 1903 the employers locked out, and announced an arbitration plan as an ultimatum. The condition remained for about two weeks, and then a convention was held and the unions elected representatives; but they were all very anxious to have things settled, and an arbitration plan—what we call the original plan—was agreed upon. But in 1904—1905, I should say—a convention was called, to which all the unions and the employers' associations elected delegates, and adopted what we now call the arbitration plan, which was adopted mutually, without any condition which could be called coercive; and then that was adopted by the unions, and that is what we call the arbitration plan.

Chairman WALSH. Thank you, Mr. Donnelly. Call your next, Mr. Thompson.

TESTIMONY OF MR. HUGH FRAYNE.

Mr. THOMPSON. Mr. Frayne, give me your name, your residence, and occupation.

Mr. FRAYNE. Hugh Frayne; general organizer of the American Federation of Labor; general office, Bartholdo Building, No. 2 East Twenty-third Street, New York City.

Mr. THOMPSON. How long have you been general organizer of the American Federation of Labor in this district?

Mr. FRAYNE. Since January, 1910.

Mr. THOMPSON. Are you acquainted with the old arbitration plan which existed in the building trades?

Mr. FRAYNE. I am.

Mr. THOMPSON. Are you in favor of arbitration?

Mr. FRAYNE. I am.

Mr. THOMPSON. Are you in favor of the plan of arbitration provided in that agreement?

Mr. FRAYNE. I am not.

Mr. THOMPSON. Why are you not in favor of it?

Mr. FRAYNE. Because the plan was composed of a number of dual unions from the union side; because the plan did not recognize the decisions of the American Federation of Labor or the building trades department; because it reversed the decisions of this authority; it dealt with national questions in a local manner, and it was impossible to get a fair decision, because the dual unions which were organized by the employers at the time when they had trouble with the regular, bona fide unions, these dual unions being the creatures of the employers, invariably voted with the employers on the plan which was passed by an equal number of employers and the unions; consequently the decision could only be in one way at all times—in favor of the employer. The arbitration plan consisted of an equal number of employers and unions—two from each body—and being so large and cumbersome it was ineffective, failing to render decisions upon important questions, thereby aggravating them more, and continuing on until the situation got so bad sometimes that it involved many trades in strikes because they had no decision rendered.

Mr. THOMPSON. And when the larger council did not settle a dispute didn't it go to a smaller body of members selected by each side and an umpire?

Mr. FRAYNE. It went to a smaller body known as the executive committee, composed of twelve—six from the employers and six from the union, known as the executive committee. These committees usually—especially on the employers' side—would have great influence with their employees on the board, on the general plan; and they would have influence enough many times with the unions who had the grievance and in that way the decision would either be held up or would go in favor of the employer.

Mr. THOMPSON. As I understand the plan, Mr. Frayne, when it came up before this general body of many members, if it was not decided there it went to an arbitration board, not of the executive committee of six representatives each, but to an arbitration board consisting of two people representing the unions not engaged in the trouble and two representatives of the employers and then an umpire?

Mr. FRAYNE. That was the last remedy. And the fact that they would then have to wait for the third party, namely, the umpire, would cause the case to be prolonged. The failure to have a quick body and umpire to decide them—these questions dragged on, and the result was that in many instances no decision had at all been rendered. For instance, as in the case of the painters, who placed some 65 cases before the board, and in almost every instance they got no objec-

tion, or if a decision was rendered it was against them. So that there wasn't any satisfaction whatever so far as the painters were concerned.

Mr. THOMPSON. What plan of arbitration would you suggest in the building trades of New York City?

Mr. FRAYNE. A plan of arbitration to govern the building trades, to establish anything near like harmony and prevent many of the outbreaks that we have, would have to be founded along the lines that it would, first, have to observe and be the decisions of the American Federation of Labor and the building trades department. Any plan that will reverse or fail to recognize the decisions of the highest authorities of labor can not do anything but create trouble. And the fact that this plan in New York treated national questions in a local manner, where employers who were able to do the work in New York under its operation had to do work in other large cities and meet with opposition because of decisions rendered by this plan, giving jurisdictions here that would not be recognized in other cities. To eliminate that a plan that would observe and live up to the rules of the American Federation of Labor and the department, I would say that three representatives from the employers, three from the unions, two of whom might be permanent secretaries representing each body, and an umpire to be selected by them, who would be a permanent umpire until such times as they might want to make a change under whatever conditions might be necessary, the two secretaries to act as a grievance or adjustment board to take up and receive all questions from both sides, many of which they could adjust without any arbitration, or even calling in the umpire; but in their failure to adjust the question, smaller matters may be adjusted with the cooperation of the umpire and the two secretaries; but in the larger questions they may call upon the two other representatives from the employers and the unions, making a board of seven people or three parties; this umpire to be a public man, posted on these questions. And I am quite sure that, along those lines, there could be established a uniform plan of cooperation that would not only apply to New York but would apply internationally along the lines of and not arbitrating—not the question of the constitution or the laws or rights of the international unions—but to arbitrate and decide upon the question in dispute, without interference with established law by the American Federation of Labor and the building trades department.

That is my opinion as a remedy to meet the present-day conditions.

Mr. THOMPSON. This body which you say could pass on matters nationally, as well as locally, would be under the obligation, in accordance with your plan, to carry out the decisions of the building department, building trades department of the American Federation of Labor?

Mr. FRAYNE. May I say that I omitted to say that this plan and preparation, to meet the approval of the American Federation of Labor and the department and the employer, the building trades employees of the country, so that a uniform understanding would be established, and when the question of jurisdiction came up, would not be in dispute other than the ruling and decisions that had been rendered by the American Federation of Labor and the department.

Mr. THOMPSON. You mean to say that, so far as decisions have in the past been made by the building trades department of the American Federation of Labor, this board should follow those decisions?

Mr. FRAYNE. Not only past decisions, which, of course, is past law, but future.

Mr. THOMPSON. What reason can you give, Mr. Frayne, why a body so constituted with employers and employees, and the public representatives, having a national jurisdiction, should submit to the decisions of a purely labor body?

Mr. FRAYNE. It would not be a purely labor body—the employers on the one side—

Mr. THOMPSON (Interrupting). I mean, submit to the decisions of the building trades department of the American Federation of Labor, which is purely a labor body?

Mr. FRAYNE. And the employers' association, whom they might select as an executive committee representing the employers of the country.

Mr. THOMPSON. I do not believe I understood you then.

Mr. FRAYNE. In other words, it would have to be O. K'd by both of those bodies, the employers' representatives, on the one side, and the federation on the other.

Mr. THOMPSON. In other words, that the decisions made by this body should receive the approval of the American Federation of Labor and an association of employers?

Mr. FRAYNE. Yes, sir; the plan itself to be acceptable, which, of course, would embody and carry with it that they would not interfere with jurisdictions as defined by the American Federation of Labor.

Mr. THOMPSON. But if this plan of arbitration were approved by both employers and employees represented, as you stated, then I understand that this body so approved should abide by the future decisions of the building trades department of the American Federation of Labor. Am I correct?

Mr. FRAYNE. Yes, sir.

Mr. THOMPSON. Then why should this body, approved by the American Federation of Labor and by the employers on the other hand, have to follow in the future the decisions of the American Federation of Labor, purely a labor body?

Mr. FRAYNE. Unless they did that the jurisdictional disputes would again develop and create more trouble. The fact that the employers now, under the New York plan, when it was in operation, would grant jurisdiction to a union, grant that which had been conceded to it by the American Federation of Labor, created constant trouble and friction, and a great deal of the conflict in the building trades has been caused over jurisdictional disputes.

Mr. THOMPSON. Do you think, Mr. Frayne, that you could get the employers of the building trades of the United States to agree that jurisdictional matters should be decided solely by the American Federation of Labor?

Mr. FRAYNE. The only thing that they would have to agree to, would be that they would recognize the trade lines jurisdiction and demarcation, as outlined by the American Federation of Labor.

Mr. THOMPSON. That means the same thing. It means that whatever decision marking trade lines, that should be made by the American Federation of Labor, should be binding on this arbitration body, which means, in other words, that the employers should accept the decisions of the American Federation of Labor.

Mr. FRAYNE. I think that it would be just as logical that they would do that as to accept the plan that would carry with it that all those who were seated in the plan would be strictly union men, and that the unions would be bona fide unions. If they could subscribe to that policy, they could subscribe still further to the policy that they would not only recognize those unions as unions, but would recognize the lines of jurisdiction of their work.

Mr. THOMPSON. But at Washington, Mr. Frayne, when the question of collective bargaining was up in the building trades, Mr. Williams, the president or chairman of the building trades department of the American Federation of Labor, and the secretary of that department, were there as well as Mr. Eldlitz. Mr. Eldlitz then stated that the employers would never submit, and claimed that they had a large interest in the jurisdictional matters, to a decision being made wholly by a labor body in which they had no right to have a vote, deciding voice, or voting voice.

Chairman WALSH. What about it?

Mr. THOMPSON. In view of that, do you think that the employers, generally, throughout the country could be brought to accept a decision of the American Federation of Labor on jurisdictional disputes?

Mr. FRAYNE. I believe they could, by conferences, so that a thorough understanding could be reached. I know that during the past year and a half we have had a number of conferences with employers, contractors in the city. Among the number Mr. Eldlitz, Mr. Gompers, and several members of the executive council of the federation met them, and while it was informal in a way, a great deal of information was learned on each side, which demonstrated that it would be possible, after a series, perhaps, of those conferences, to reach a better understanding.

Mr. THOMPSON. Do you think, Mr. Frayne, that at the present time that the bricklayers would accept a decision of their contest with the marble workers, a decision made by the building trades department of the American Federation of Labor?

Mr. FRAYNE. I don't know, in view of the fact that they are not an affiliated union. They would feel that they are not obliged to accept any decision from a body with which they are not affiliated.

Mr. THOMPSON. Do you think they would accept a decision?

Chairman WALSH. He says no.

Mr. FRAYNE. I believe not. They would if they had agreed to arbitrate; of course they would. The difficulty would be to get them to arbitrate.

Mr. THOMPSON. Do you believe, Mr. Frayne, that the amalgamation of the building trades council into basic unions, such as the present amalgamation of the steam fitters and the plumbers, would do away with a great deal of the jurisdictional fights that occur?

Mr. FRAYNE. Yes. Wherever the unions are as closely allied as those two trades, I am in favor of them amalgamating and getting the jurisdiction under one head.

Mr. THOMPSON. From your knowledge of the building-trades work, have you any suggestions to make as to what amalgamation might take place to eliminate jurisdictional troubles?

Mr. FRAYNE. Well, there has been a discussion upon the bringing together of certain trades who are very closely allied together—for instance, the ironworkers, bridge and structural ironworkers, and the sheet-metal workers. There has been some talk about bringing those two organizations together. There have been efforts to bring the elevated structures and the machinists together. In fact, a plan had been reached at one time which for some reason had been rejected. There are a number of unions in the metal trades and in the building trades that are working closely together, and, I believe, it will be possible in time to amalgamate them and eliminate the jurisdictional disputes that arise at the present time because of the infringement upon work claimed by the others.

Mr. THOMPSON. Directing your attention to another matter for the moment, Mr. Frayne, Mr. Eldlitz said in his testimony in New York: "I think there are a number of trades there (in New York) that if their national organizations were to tell them it is better for the best interests of our organization as a whole that you shall break with your employer, they would say 'we will be alone and good-by.' They will say, 'We will take our chances.' The employees know that when the employer tells them that he will do thus and so he will come pretty near doing it. If they can get the employer to enlist with them they will say good-by to the central body." From your knowledge of the building trades unions in this city, is that true or not?

Mr. FRAYNE. To some extent under present conditions it is. There are a number of unions here who have profited under the present or under the old plan of arbitration because the employers had conceded them in work privileges that amounted to a great deal to them because of their cooperation with the employer. The employers forced this plan of arbitration on the unions after a lockout. The unions had very little to say about its making. It was prepared for them and read to them and they had to adopt it. In order to keep that going they had the dual unions and the cooperation of a number of unions that they favored by giving them jurisdiction and other privileges over unions that would not submit. The employers controlled certain unions, and with that control he might have some justification for making the statement, but I doubt whether he could make it effective. Still, there may be a few unions or a number desert their internationals to cooperate with the employer and he under his control. It would only be at temporary arrangement because they would come back again. It could not be lasting.

Mr. THOMPSON. Would you care to state what unions would in your opinion go with the employer and what unions gain an advantage through the arbitration plan over other unions?

Mr. FRAYNE. One of the unions that has gained an advantage through the arbitration plan is the metal lather, the stonecutter, the carpenter, the composition roofer, and the engineer—hoisting engineers. There may be others that I can not just recall. Those unions have had very little trouble because they have been conceded jurisdiction that the American Federation of Labor had denied them.

Mr. THOMPSON. Mr. Frayne, a good deal has been testified to here with reference to the restrictions placed by certain of the building trades upon the bringing of material to New York City, for instance, the wood trim, sheet-metal work, and marble from Vermont and other places. If such restrictions exist, and they are testified to here by the union men as well, what is the reason therefor, if you know, from a standpoint of the union?

Mr. FRAYNE. The position of the union in cases of this kind, they object to bringing in of materials made under nonunion conditions. They object to bringing in work that is made possibly under unorganized conditions at from 25 to 55 per cent cheaper rate than that in New York. The principal objection is that employers and architects favor the bringing in of these cheaper materials, cheaper workmen, for the purpose of not particularly using that work, but for the general purpose of tearing down the established conditions that the unions have worked and struggled for years to build up. The union men feel here that they have been working for years and paying dues and assessments to build up an organization and establish conditions, the fact that they are domiciled here, have their families, and have to take care of them, that they

ought to be given at least first preference to do this work. The bringing in of the cheaper material, unorganized men, or men working at a much lower rate, means that they must walk the street. That is the principal objection that I find in regard to bringing in the material from other sources.

Mr. THOMPSON. The witnesses representing the union in these industries I have named have testified not only would their own members not erect or install such work, but that they themselves would do what they could to call out the workmen in other crafts on such buildings where they sought to install such material. It was testified by another witness here, a lawyer, that such action constituted a conspiracy or illegal restraint of trade. If that is true, Mr. Frayne, do you still consider that the unions were justified for the reason you gave in refusing to erect or permit that work to be erected?

Mr. FRAYNE. I believe that the unions are justified in taking such action to maintain their standing.

Mr. THOMPSON. Even though the action may be illegal?

Mr. FRAYNE. I would not be ready to say that it would be illegal, because it would have to depend upon the interpretation of the courts. I would say that they are bound to do this in order to protect their established conditions.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. FRAYNE. If you will permit me—

Chairman WALSH. Do you want to say something voluntarily?

Mr. FRAYNE. Yes, sir.

Chairman WALSH. Let Mr. Frayne finish.

Mr. FRAYNE. I was just going to make one small general statement, Mr. Chairman, that I had omitted, and which I think is very important in connection with what I say.

Chairman WALSH. Very good.

Mr. FRAYNE. The building trades employers of this city have encouraged the formation of dual unions for the purpose of preventing the regular unions from maintaining any particular standing with regard to their condition. They have encouraged independent unions in the way of building trades councils which, by the way, is not under the jurisdiction, neither is the board of business agents of the building trades department. It is not for a few years. This encouragement given to the dual unions has been responsible for a great deal and a majority of the troubles in this city for a number of years. The stonecutters had a dual union here for many years and there was a dual union of marbleworkers here for some 12 or 14 years, up until two years ago, which we finally adjusted. The union not only worked under the conditions stated in the plan of arbitration, but those who represented them would take the men to other localities to take the places of striking men in other localities, encouraged by their employers here to do so. And this condition began to grow until it became deplorable, so that there was really no established or fixed rule or condition here in New York in the building trades.

To-day there isn't any established condition or won't be until there is a plan established that is going to be fair and just to both sides. Employers have dominated the plan, wrote the plan, put it in operation, and the men hadn't any choice but to accept its decisions and rulings, and if they failed to do so, they found some way to compel them to do it. They were all-powerful, even to the extent of saying that they would have to obey them instead of obeying their national officers. But the best demonstration, the best evidence, that national authority over the unions in handling these questions is the settlement of the plumbers' and the steam fitters' controversy, which was settled after a long series of conferences. It was settled in a very harmonious manner without any hard feelings, hardships to anyone, and entirely satisfactory to all. That could not have been locally. It required the presence of the national officers here who would not only settle the question from the national standpoint but adjust it to fit local conditions. That can be done in every case, and when the building employers refuse to accept the decisions of the American Federation of Labor and the building trades department and at the same time want to put their authority to reverse the decision and say their decisions are all supreme, then they are doing the thing that they question the right of the highest authority of labor to do, namely, to specify and draw the lines of jurisdiction between these unions. The employers here have done that by reversing the decisions of the American Federation of Labor. That is all I care to say.

Commissioner GARRETSON. Assuming, for a moment, that all the organizations involved in a jurisdictional question were affiliated with the building

trades department, is there any other tribunal existing that is more competent to determine a jurisdictional contest that is made than the representatives of those trades who are working with these men every day and perfectly acquainted with the details of the business?

Mr. FRAYNE. No, sir; I would say there is not.

Commissioner GARRETSON. The employer may know as much but he can't know more?

Mr. FRAYNE. Correct.

Commissioner GARRETSON. Then it is only when there is one of the organizations who would not be affiliated that an unfairness could come out of it?

Mr. FRAYNE. Yes, sir.

Commissioner GARRETSON. Isn't the real reason underlying the refusal of the employers to accept such a decision, the decision of such a tribunal, lying in the fact that it would remove most of the incentive for the creation of rival organizations?

Mr. FRAYNE. Largely so. At the same time prevent the unions making any progress in the way of improved conditions.

Commissioner GARRETSON. Is it not true that if a local settlement or adjustment of jurisdictional questions became universal the country over, say as illustrated in New York, in Boston, in Philadelphia, in Chicago, in Frisco, and in New Orleans, that it would result in chaos and a virtually new alignment and eternal contest among the established organizations where there are any jurisdictional quarrels?

Mr. FRAYNE. If it was founded upon local conditions, yes; but if it was founded upon national lines, no.

Commissioner GARRETSON. I say the creation of a local tribunal in each of these points to settle all these questions?

Mr. FRAYNE. Yes, it would; because the decisions would be different, invariably, in all cases, making a complication that would be even worse than the original.

Commissioner GARRETSON. Is it fair to assume the employers are shrewd enough to be aware of that fact and play that game?

Mr. FRAYNE. I am quite sure that the plan of New York was created purposely to benefit New York employers, and that employers in other cities who would institute a plan, would institute it for the purpose of treating with their local condition irrespective of what might happen outside.

Commissioner GARRETSON. And if placed in effect in five different points, with the various decisions that could readily arise therefrom, dictated by the interest of the controlling party, half the unions on the continent could be disrupted?

Mr. FRAYNE. Without any doubt; without any question; that is bound to follow.

Commissioner GARRETSON. Do you believe from your experience in dealing with the question that many employers would be perfectly willing to play both ends against the middle?

Mr. FRAYNE. Beyond doubt; yes.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner LENNON. If the unions had complete control, would they refuse to use material or goods that might be shipped into New York made in non-union plants?

Mr. FRAYNE. Well, that would depend, of course, a great deal upon conditions.

Commissioner BALLARD. If there was some nonunion material shipped into a given locality where the unions were very strong, and that material came in from, for instance, a strike zone where men were on strike?

Mr. FRAYNE. It is possible that they would refuse to handle it, upon request or appeal from the men who were on strike in the locality in which the material was coming from, but there isn't a great deal of hardship or trouble in regard to the nonunion material except in extreme cases. These things would be a mere detail, and would gradually adjust themselves if the larger questions were adjusted, namely, the jurisdiction and the question of improved conditions and contracts between the employers and the unions, or the other things would gradually become eliminated.

Commissioner BALLARD. They would become eliminated, too, if all the plants in the country were unionized?

Mr. FRAYNE. Well, even with the employers themselves becoming agreeable to it, realizing that it would be the best method and the safest investment for them.

Commissioner GARRETSON. One other question I would like to ask, Mr. Frayne. This is purely a question of personal opinion, because, with the years of experience you have had, I should desire an expression on that basis. Which of the three conditions would you consider was best: A condition where the employer absolutely dominated the entire labor situation, industrial situation, as may be better; a situation where the laborer, through his union, absolutely dominated the situation; or an evenly balanced condition, in which both feared and respected the other?

Mr. FRAYNE. Without any attempt of taking sides with the union because I happen to be on that side as the representative, I would say that in all cases the union and its members would be more liberal and more fair in its dealings in every and any case, even though it was all powerful in the situation.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner BALLARD. May I ask one more question, Mr. Chairman?

Chairman WALSH. Yes.

Commissioner BALLARD. As an organizer of the American Federation of Labor, do you feel that there is necessarily an antagonism in the position between the labor man and the employers? Is it a necessary and unsurmountable antagonism?

Mr. FRAYNE. I don't believe that it is necessary to have an antagonism there. On the contrary, I believe that there ought to be a fair, liberal spirit of friendship and cooperation there in order to get the very best results. But if the employer attempts to, because of being an employer, attempts to dominate and expects to take more for himself than he is willing to grant the other side, then that antagonism is bound to show itself.

Commissioner BALLARD. Don't you think they are necessarily mutually dependent one on the other? Neither can live without the other?

Mr. FRAYNE. Well, under present conditions, there is no question about that. We claim, as representing the organized-labor movement of the country, that by the trade agreement we can eliminate a large percentage of the difficulties, troubles, that arise and improve the condition of our people and make it mutually beneficial and agreeable to the employer because of the contractual relations between them and the union. We court it; we seek it.

Commissioner O'CONNELL. Mr. Frayne, the impression seems to prevail on the part of nearly all the witnesses that we have had before us during the week that there is a more strenuous jurisdictional fight or condition going on all over the country, and particularly in New York. Is it your impression that the jurisdictional contest between organizations is more serious now than it was a few years ago?

Mr. FRAYNE. Considerably so; yes, sir.

Commissioner O'CONNELL. Is it not a fact that jurisdictional disturbances have been growing less each year for the past 10 years?

Mr. FRAYNE. That is true; yes.

Commissioner O'CONNELL. That the large jurisdictional fights that have taken place in this country during the past 10 years have been practically settled and adjusted and wiped off the books?

Mr. FRAYNE. A number of them; yes. There are still a number remaining, of course; but not as many as formerly.

Commissioner O'CONNELL. Is it not true that the tendency toward the amalgamation of allied organizations has been going on for several years, and that a number of amalgamations have taken place?

Mr. FRAYNE. That is true.

Commissioner O'CONNELL. And that procedure is being followed and going on now very successfully?

Mr. FRAYNE. Very successfully.

Commissioner O'CONNELL. And that plans are being outlined for the bringing together of a number of trades that are now closely allied, such, for instance, as the men engaged in the garment trades?

Mr. FRAYNE. Yes, sir.

Commissioner O'CONNELL. There is a tendency toward all the various organizations in the garment trades being amalgamated into one council?

Mr. FRAYNE. A movement has been on foot for some time and several conferences have been held for that purpose, and while they have not finally agreed they have made considerable progress to that end.

Commissioner O'CONNELL. One of the largest and most bitter contests of the industrial world we have had has been one of the contests between the wood-working trades in this country, that lasted for a great many years, and that has been adjusted, and those trades have been amalgamated into the brotherhood of carpenters.

Mr. FRAYNE. That is true; the carpenters' trade, so far as the carpenter wood-work is concerned, has been practically settled.

Commissioner O'CONNELL. And very largely, then, isn't this great noise about jurisdictional contest rather a myth, making a mountain out of a molehill?

Mr. FRAYNE. I would say this in answer to that question, that if the employers will permit the American Federation of Labor and the building trades department to settle these disputes they will be settled much quicker and with a larger degree of satisfaction than they can be through any other method.

Commissioner O'CONNELL. The impression seems to prevail—

Mr. FRAYNE (interrupting). Pardon me until I finish, if I may.

Commissioner O'CONNELL. Yes.

Mr. FRAYNE. The fact that employers do not recognize those decisions, but rather encourage the opposite, is responsible for a great deal of trouble that we hear. Many of them would never be heard of if the employers would simply say, "We engaged you to work at this line of work, confining yourself to that line of work; we don't want any jurisdictional disputes; we will take as our authority for this the laws and rules of the American Federation of Labor," they would not—half of these questions would never come up, would never be heard of. The reason men still raise the question is because they are encouraged by employers who have selfish motives and want to control this work. They are all selfish in that respect, and hence the great trouble encouraged by jurisdictional disputes.

Commissioner O'CONNELL. You were asked a question by Mr. Thompson as to whether it would be fair to have the American Federation of Labor render jurisdictional decisions without the approval of the—at least agreement with the employers, whether it would be fair or not. Is it your impression that the employers—the large employers in the building trades in this country and the large employers generally, who deal with labor in their organized capacity—would be only too agreeable to the American Federation of Labor being the party to decide all questions of jurisdictional disputes?

Mr. FRAYNE. I am quite sure that that naturally would follow. While there are some now, and many who accept that authority now, there are some who don't; but if it was general—

Commissioner O'CONNELL (interrupting). And the some whom you refer to, are they not purely confined to local situations?

Mr. FRAYNE. Yes, sir; they are; their operations are purely local. They are usually local contractors who are the ones to evade.

Commissioner O'CONNELL. And is it not this situation that causes largely the jurisdictional disputes; that where there are organizations of employers such as the building trades council in this city, rendering decisions in opposition to the general decisions that have been rendered by the movement of this country covering local jurisdictions, that causes internal disturbances within the international and the movement itself?

Mr. FRAYNE. That is a fact, and I so stated, because in the reversing of a decision of the American Federation of Labor upon a particular line of work the contractor, if he happens to go outside of New York, while observing one line of regulations in New York goes to Chicago and finds that he is confronted with a dispute in the trades because the decisions rendered in New York are not the decisions in Chicago, Chicago observing the law and decisions of the American Federation of Labor.

Commissioner O'CONNELL. One of the gentlemen who appeared before us from the standpoint of the employers, speaking of the amalgamation of kindred trades and the reason that there was not greater progress made in that direction, said it was because the labor leaders could not be got rid of, that even if their position happened to become vacant because of amalgamation they still would have to take care of them, they, the employer. Have you known of such cases, or do you believe that the labor leaders have not gone into other walks of life or gone back into their trades?

Mr. FRAYNE. It has been my experience that the labor leaders have done the foremost work to promote amalgamation if they saw it was going to be passed for those whom they represented, and I have seen in several instances

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where if the question as to what might become of them was raised they invariably eliminated themselves there and then, so that the question of the leaders being taken care of does not appear as one of the serious obstacles to bringing about peace and harmony in the trades. They are not so much—while they are interested in their job, they are not interested to the extent that they are going to sacrifice the interests of those that they are representing.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Any other questions? Thank you, Mr. Frayne. That will be all.

Mr. THOMPSON. That is the end of the building trades subject.

Chairman WALSH. The commission will now stand adjourned until Monday morning at 10 o'clock to meet in this same room.

(Thereupon, at 4.10 p. m., the commission adjourned to meet on Monday, June 1, 1914, at 10 o'clock a. m.)

EXHIBITS.

JUDGE EXHIBIT NO. 1.

CONSTITUTION OF THE PLASTERERS' HELPERS PROTECTIVE ASSOCIATION OF GREATER NEW YORK AND VICINITY.

[Fred Scarlino, printer, 218 East One hundred and sixteenth Street, New York.]

CONSTITUTION.

ARTICLE I.

This organization shall be known as the Plasterers' Helpers Protective Association of Greater New York and Vicinity.

ARTICLE II.

The jurisdiction of this union shall be that of Greater New York and vicinity.

ARTICLE III.

SECTION 1. The officers of this society shall consist of a president; vice president; recording secretary; treasurer; sergeant at arms; two or more business agents, one of whom must be able to speak Italian; an executive committee of six members, two members of which must be able to speak Italian; and three trustees.

The executive committee and trustees to be appointed by the president.

SEC. 2. A member must be in good standing in the organization at least three months before becoming eligible to hold any office, and all candidates for office must be directly employed as plasterers' helpers.

ARTICLE IV.

The members of this union shall consist of plasterers' helpers. Every applicant for membership shall be vouched for by two members in good standing who shall be held responsible for him, his name to be presented in writing to the executive committee, together with the names of his vouchers and \$5 as part of his initiation fee, said amount to be refunded to the applicant should he be rejected.

ARTICLE V.

The initiation fee shall be not less than \$25, same to be paid within three months, or all money paid in to be forfeited to the organization unless the delinquent be excused by the executive committee.

ARTICLE VI.

The monthly due shall be 40 cents, payable in advance and from date of first permit.

A charge of 10 cents shall be made for each dues book.

ARTICLE VII.

Any candidate who shall fail to present himself for initiation within four weeks from the time of his election to membership by the union shall have his initiation fee forfeited, unless he can give good and satisfactory reasons for his delay.

ARTICLE VIII.

When a candidate has been elected to membership he shall be conducted to the president's stand and the president shall administer to him the obligations.

ARTICLE IX.

A member of the organization in good financial standing, apparently 50 years of age, and incapacitated from work through sickness or injuries of any kind, may, upon application for same, become a superannuated member of this organization. This privilege does not debar him or his beneficiary from a death benefit, providing that dues, fines, and assessments are paid within the prescribed time.

ARTICLE X.

A member being three months in arrears shall not be entitled to any benefits, and after six months in arrears shall cease to be a member.

ARTICLE XI.

All persons becoming members of this society shall assent to the following pledge: "I, ———, do hereby promise and pledge my word and honor as a man, in the presence of the members here assembled, that I will faithfully abide by the laws and regulations of this society as long as I may continue a member and remain within the jurisdiction of the same."

ARTICLE XII.

Eight hours shall constitute a day's work, and all time worked beyond eight hours shall be considered double time and paid as such; work done on Sundays and the following holidays, New Year's Day, Lincoln's birthday, Washington's Birthday, Decoration Day, July the Fourth, election day, and Christmas Day, shall be considered overtime. Under no circumstances shall any work be done on Labor Day.

When any of the aforesaid holidays fall on Sunday, the following day will be observed as a holiday.

ARTICLE XIII.

Members of this organization shall be paid up to date; no back time, no subbing, or part payment to be allowed.

SECTION 1. All employees shall receive their wages once a week. Every employer shall have a permanent pay day. All wages must be paid during working hours and in legal tender.

SEC. 2. On being discharged or laid off, members shall receive 15 minutes' notice, in order to gather up and clean their tools.

ARTICLE XIV.

If it can be proved by any member or members of this organization that another member of the same has imparted any information (to anyone not a member of this union) regarding the business transacted at its meetings, he may be fined or expelled.

Members who have been suspended or expelled for the violation of the constitution or the by-laws thereby shall have no claim whatsoever upon the organization.

ARTICLE XV.

Should any member of this organization be discharged by a tyrannical employer or his representative because of sustaining the rules in this union, it shall be the duty of the business agent to immediately report the same to the arbitration board through the J. P. S. for their action upon the same.

ARTICLE XVI.

Any member who gives his hook or card to a nonunion man, in order to enable him to procure employment, shall be expelled from this union.

ARTICLE XVII.

No member of this union shall be allowed to injure the interests of his fellow workmen, either directly or indirectly. The leader of each and every gang of laborers shall be just and reasonable with his fellow workmen. He shall take no mean advantage of them. If it can be proved by the men with whom he has been working that he has been guilty of any act whereby the interests of his fellow workmen are in danger, he may be fined or expelled, or both.

ARTICLE XVIII.

Any contractor or his representative who employs a member or members of this organization, instructing him or them to come prepared for work, and afterwards disappoints either party, said contractor or contractors shall be required to pay said person or persons their wages for the time that they have been waiting to render services. Nothing less than one-quarter day's pay will be demanded or received in these cases.

ARTICLE XIX.

No member of this union shall accept employment on a job where a difficulty has arisen involving this union until all trouble has been adjusted. Members not complying with this article may be fined or expelled.

ARTICLE XX.

All charges for violations of the constitution or by-laws shall be made in writing. They shall then be referred to the executive committee, who shall consist of six members. The findings in the case are to be referred to the body for approval or disapproval.

ARTICLE XXI.

All fines shall be paid within 90 days after being imposed, otherwise no dues will be received. Dues will not be accepted until all fines are paid.

ARTICLE XXII.

Twenty-five members constitute a quorum for transacting the business of this union, also for a special meeting.

ARTICLE XXIII.

The senior employee, foreman laborer, or shop steward shall on each and every building demand an examination of the cards or permits. Those failing to comply with this article may be reprimanded.

Every member must have his card on the job for inspection.

ARTICLE XXIV.

Each and every member of this union is requested to cooperate with the delegate, wherever the interests of this union and its members are concerned.

ARTICLE XXV.

An officer who absents himself from three consecutive meetings shall cease to be an officer during the period for which he was previously elected, except through disability or sickness, or a good cause is shown.

ARTICLE XXVI.

All elections shall be made by ballot.

ARTICLE XXVII.

Members of this union may by a majority vote of all those present prescribe such rules and regulations as they deem fit provided that they are not in conflict with the terms of this constitution and by-laws.

ARTICLE XXVIII.

This constitution and by-laws may be amended by a majority vote of members present at a special meeting called on a two weeks' notice for that purpose and not otherwise.

ARTICLE XXIX.

The capital and other property of this union shall not be applied for the welfare of the members. As long as the union consists of seven or more members in good standing, it shall never be dissolved, nor shall the funds be divided or loaned, unless by a unanimous vote of members present at a special meeting and not otherwise.

ARTICLE XXX.

SECTION 1. A member not more than three months in arrears for dues and fines, having paid the regular initiation fee and in good financial standing for six months, shall be known as a beneficial member. On the death of said member there shall be appropriated the sum of \$80, and on the death of the wife of a beneficial member there shall be appropriated the sum of \$40 for funeral expenses.

SEC. 2. The friends of the deceased shall furnish a transcript of the certificate of death from the board of health to the secretary-treasurer before he shall pay any mortuary dues. When there are no relatives or friends, the president, treasurer, and secretary-treasurer shall take care of the funeral.

SEC. 3. No funeral expenses shall be paid for deaths outside of the United States, unless the funeral takes place in the United States.

SEC. 4. Under no circumstances will it be permissible to grant the death benefit for a member over three months in arrears.

SEC. 5. On the death of a member an assessment of 10 cents will be levied on all members of this organization.

ARTICLE XXXI.

All nominations shall be made on the first meeting prior to election. Nominations can only be made by members who are in good financial standing in this union.

All ballots shall be of uniform size, color, etc.

ARTICLE XXXII.

SECTION 1. The revenue derived from initiation fees, dues, fines, and assessments and all other legitimate sources shall be placed in a bank in the name of this organization.

SEC. 2. No money can be voted out of the treasury for any purpose unless by a proposition offered in writing two weeks prior to being acted upon.

ARTICLE XXXIII.

There shall be no voting by proxy; that is, voting on another member's book. A fine of \$5 will be imposed upon any member if detected.

ARTICLE XXXIV.

SECTION 1. Each candidate shall have the right to select a watcher in his interests, who shall be a member of this organization, but not at its expense.

SEC. 2. In case a tie vote appears a new ballot shall be ordered.

BY-LAWS.

ARTICLE I.

DUTIES OF THE PRESIDENT.

The president shall preside at all meetings of the society and preserve order; he shall have the casting vote in case of a tie; he shall decide all points of order subject to an appeal to the body; he shall take no part in debate while in

the chair; he shall sign all orders for the payment of money; he shall appoint all committees and act ex officio as a full member on all committees, and whenever the interest of the society calls for a special meeting he shall have power to call and advertise such meeting; he shall also have power to assign any delegate to special duty at any time, and for his services he shall receive the sum of \$2 for each meeting, and shall be elected for one year.

ARTICLE II.

DUTIES OF THE VICE PRESIDENT.

The duties of the vice president are, in the absence of the president, to assume and transact all such business as comes within the province of the presidential office, and for his services he shall receive the sum of \$2 for each meeting, and shall be elected for one year.

ARTICLE III.

DUTIES OF THE SECRETARY-TREASURER.

The secretary-treasurer shall charge all dues, assessments, and initiation fees to members' accounts, and shall credit members in due books provided by the union for all moneys received from said members; he shall balance each account quarterly and report to the organization the standing of each member; he shall pay all bills when duly authorized by the body and countersigned by the president and recording secretary; he shall keep a correct record of accounts between this organization and all concerns with whom it does business, and shall make a quarterly financial report of all receipts and disbursements; he shall file a record of all jobs in operation reported by the business agents, and shall furnish members on request with information as to the location of the same. His office hours shall be from 9 a. m. to 6 p. m. for the first five days in the week and from 9 a. m. to 2 p. m. on Saturdays. He shall deposit in a business bank a sum not to exceed \$1,000 for current expenses with a check system, and shall deposit all other moneys in a bank or banks designated by the union; he shall receive for the faithful performance of his duty the sum of \$25 per week, and he shall be bonded with a surety company for \$3,000.

ARTICLE IV.

DUTIES OF THE RECORDING SECRETARY.

The recording secretary shall keep a record of each meeting, and read the same at the next meeting; he shall file all papers, resolutions, and amendments; he shall record and report all fines inflicted to the secretary treasurer, record the receipts of the meeting and furnish the presiding officer with a list of unfinished business, and for his services shall receive the sum of \$2 for each meeting, and shall be elected for the term of one year.

ARTICLE V.

DUTIES OF SERGEANT AT ARMS.

The sergeant at arms shall be punctual in attendance, obey all orders issued to him by the presiding officer and strictly enforce the same, and for his services shall receive the sum of \$2 for each meeting, and shall be elected for a term of one year.

ARTICLE VI.

DUTIES OF THE BUSINESS AGENTS.

The business agents shall visit all jobs under the jurisdiction of this organization as often as possible. They shall see that all laws, rules, and regulations are lived up to, examine all books and permits, and for their services shall receive the sum of \$25 per week, and be elected for one year.

ARTICLE VII.

DUTIES OF EXECUTIVE COMMITTEE.

SECTION 1. The executive committee shall examine and investigate all violations of the rules of this union when properly brought before them, all complaints to be made in writing and must be specific; examine all candidates for membership; also notify the secretary-treasurer regarding fines, etc., when imposed and conditions of same, and for their services they shall receive \$2 for each meeting.

SEC. 2. Any member or members who may be found guilty of violating any of the rules of this organization, if said member or members feel aggrieved at the verdict of the committee, shall have the right to appeal to the society, and said appeal to be submitted in writing.

SEC. 3. It shall take a two-thirds vote of all members present to set aside or alter the decision of the executive committee.

ARTICLE VIII.

Any officer or business agent who absents himself from three consecutive meetings shall be suspended and another appointed by the chairman in his place unless excused through sickness.

ARTICLE IX.

Any officer or business agent doing extra work for this organization can not be compensated for same unless the bill is submitted to the body and approved by the same.

ARTICLE X.

SECTION 1. It is the duty of every member to strictly follow the rules of order—never to intentionally interrupt another member who is speaking. Should any member use ungentlemanly language during meeting hours he shall be called to order, and if said member does not comply he must withdraw from the room for that evening by order of the president.

SEC. 2. Should any member continue to disturb the meeting after being called to order or refuse to withdraw from the room when ordered to do so he shall be debarred from the meeting room for a term of three months for the first offense and for a term of one year after the second.

SEC. 3. Should any member leave his seat and assault a brother member during meeting hours it shall be the imperative duty of the presiding officer to order the expulsion of said member from the room, and he shall be debarred from entering the meeting for a period of one year and be subject to a fine such as the union may decree.

RULES OF ORDER.

RULE 1. No motion shall be subject to debate until it has been seconded and stated from the chair. It shall be reduced to writing at the request of two members in good standing.

RULE 2. Before putting the question the presiding officer shall ask, "Is the society ready for the question?" If no member rises to speak, he shall then put the question, and after he has put the question no member shall be allowed to speak upon it.

RULE 3. Any member having made a motion may withdraw it with leave of his second before it is stated from the chair, but not afterward without the consent of the meeting.

RULE 4. A motion to amend an amendment shall be in order, but to amend an amendment to an amendment shall not be entertained.

RULE 5. When a member is called to order he shall take his seat until the point is determined.

RULE 6. If two or more rise to speak at the same time, the presiding officer shall decide who has a right to the floor.

RULE 7. *Motions to have precedence.*—When a question is before the house the only motions in order shall be, first, to adjourn; second, to lay on the table; third, the previous question; fourth, to postpone definitely or indefinitely; fifth,

to refer; sixth, to amend; which several motions shall have precedence in the order in which they are named:

PRIVILEGED QUESTIONS.

(1) To adjourn; (2) to lay on the table; (3) the previous question; (4) to read a document or paper pending questions; (5) to reconsider. The preceding shall be considered privileged questions and not debatable.

RULE 8. When a motion has been made and decided upon it shall be in order for any member voting in the majority at the same or next meeting to move for a reconsideration thereof.

RULE 9. A motion to adjourn shall always be in order except (1) when a member is speaking; (2) when a vote is being taken on a question; (3) when it was the last preceding motion.

RULE 10. The yeas and nays upon any question may be called for by two members, and upon the assent of two-thirds present shall be taken. They may be called for at any time before the decision of the vote has been announced by the presiding officer.

RULE 11. When a majority is followed by a minority report after being read it shall be on the table until the other is presented, after which neither may on motion be considered.

RULE 12. All questions not decided here shall be governed by Cushing's Manual.

OBLIGATION FOR OFFICERS OF LOCAL ASSOCIATION.

I, ———, solemnly pledge my word of honor as a man that I will perform all the duties pertaining to the office to which I have been elected, as provided for in the constitution, and that I will turn over to my successor, when duly qualified, all documents and property in my charge.

ORDER OF BUSINESS.

Roll call of officers; reading minutes of last meeting; reading of communications, reports of committees; reports of business agents; unfinished business; new business; propositions for the good and welfare of the union; adjournment.

EXHIBIT 1.

AMENDMENTS TO THE CONSTITUTION AND BY-LAWS OF THE PLASTERERS' HELPERS' PROTECTIVE ASSOCIATION OF GREATER NEW YORK AND VICINITY.

Amendment to article I, section I, page 3:

"This organization shall be known as the Plasterers' Helpers' Protective Association of Greater New York and Vicinity.

"Sec. 2. Meetings will be held on the second and fourth Mondays of each and every month (holidays excepted) from 8 p. m. to 11 p. m. After the latter hour no business shall be transacted."

Amendment to Article III, section I, page 3:

"The officers of this society shall consist of a president; vice president; recording secretary; secretary-treasurer; sergeant at arms; two or more business agents, one of whom shall be able to read and write the Italian language and also able to read and write the English language; an executive committee of five members, two of whom shall be able to read and write the Italian language; and three trustees, all of whom shall be elected annually."

Article III, section 2, page 4:

"All members must be in good financial standing in this organization at least six months, be citizens of the United States, able to read and write the English language, and be employed as plasterers' helpers for at least six months prior to nomination, before becoming eligible to hold office of any kind in this union. This latter clause does not apply to the offices of business agents or secretary-treasurer."

Article III, section 3, page 4:

"All candidates for office shall produce to the chairman and recording secretary at time of nomination citizenship papers. Anybody failing to comply with

the different sections of this article shall not be allowed to hold office of any kind in this union."

Amendment to Article IV, section 1, page 4:

"After the word 'rejected,' on the last line, add 'Anybody joining this organization under an assumed name or procuring either a due hook or a receipt for money from anybody only the legal and authorized officers of this union, shall not be recognized or entitled to any benefit from this organization.'"

Article IV, section 2, page 4:

"Anybody who now belongs or may hereafter belong to a dual or hostile organization shall, upon proof of same, be expelled from this union."

Blot out Article V, page 4, and substitute the following:

"The initiation fee shall be not less than \$25, payable as follows: \$5 first installment and \$5 every month thereafter until full amount is paid. If not paid within six months all moneys shall be forfeited to this union."

Blot out Article VI, page 4, and substitute the following:

"The wages for all members of this organization (except those who are superannuated) shall be not less than \$3.25 per day. The monthly dues shall be not less than 40 cents, payable at all regular meetings of this union, or to secretary-treasurer from 9 a. m. to 5 p. m. daily."

Blot out Article VII, on pages 4 and 5, and substitute the following:

"Any candidate for membership who shall fail to report to this union within four weeks from the date of paying his first installment of initiation fee, shall forfeit all money paid to this organization."

Amendment to Article IX, page 5:

"After the word 'time,' on the last line, add 'Protection cards may be issued upon application for same on the payment of \$3 annually in advance to all who do not wish or who are unable to pay the regular initiation fee, and who have no desire to partake of the death benefit fund as provided for in sections 1, 2, 3, and 4, Article XXX, page 11.'"

Blot out Article X, page 5, and substitute the following:

"Section 1. A member four months in arrears shall be fined the sum of 25 cents, a member five months in arrears shall be fined 50 cents, and a member six months in arrears shall be fined \$1. All said fine or fines shall be paid before any dues are received by this union."

"Sec. 2. Anybody owing dues for seven or more months shall be treated as an ex-member of this organization."

"Sec. 3. Ex-members may be reinstated upon payment of half the regular initiation fee, payable as follows: One-fifth at the time of reinstatement and one-fifth every month thereafter until full amount is paid. If full amount is not paid at the expiration of six months all moneys to be forfeited to this union."

"Sec. 4. Ex-members shall not be entitled to any death benefit from this organization for a period of six months from date of final payment for reinstatement."

Blot out Article XII, page 6, and substitute the following:

"Eight hours shall constitute a day's work, from 8 a. m. to 12 noon, and from 1 to 5 p. m., 15 minutes allowed for preparing material before 8 a. m., and on patent material 15 minutes before 1 p. m., an equal amount of time to be allowed before ceasing work at 12 noon and 5 p. m."

"All other time to be considered double time and paid as such. Work done on Sundays and all holidays to be considered double time and paid as such."

"When a holiday falls on Sunday the following day shall be observed as a holiday."

"ARTICLE XII.

"Sec. 2. All scaffolds whereon plasterers work, if not constructed by plasterers, said scaffolds shall be built by members of this union."

"Sec. 3. Wherever stoves used for heating purposes wherever plastering is being done, the work of attending to same shall be performed by members of this union."

"Sec. 4. All refuse from lath, plaster, and mortar shall be gathered and removed from interior of buildings and all other structures by members of this union."

"Sec. 5. The handling of all material for plastering purposes, signalling for the hoisting and lowering of same, shall be by members of this union."

"Sec. 6. Whenever hand pumps are used where plastering is being done, same shall be operated by members of this union."

"Sec. 7. Whenever sand is screened on the premises or in the immediate vicinity for plastering purposes, it shall be done by members of this union."

Blot out Article XX, pages 8 and 9, and substitute the following:

"All complaints for violation of the constitution or by-laws shall be made in writing, read by the recording secretary, and then referred to the executive committee, consisting of five members. The findings in all cases to be referred to the body for approval or disapproval. It shall take a two-thirds vote of all members present to set aside or alter the decision of the executive committee."

"All fines (if any) imposed by the executive committee shall be paid before any dues are received by this union."

Blot out Article XXI, page 9.

Blot out Article XXVI, page 10.

Blot out section 5, Article XXX.

Blot out the word "not" on the second line, Article XXIX.

Amend Article XXXI, pages 11 and 12:

"All nominations shall be made on the first meeting prior to election, and all elections shall be by official ballot or ballots, same to be uniform in color, size, etc., and shall bear the union label."

"Sec. 2. All candidates must be in good financial standing on nomination night to have names recorded officially by this union, and must pay as follows (to help defray election expenses): For the offices of business agent or secretary-treasurer, \$1 each; all other offices 50 cents each; said amounts to be paid on nomination night. Any candidate refusing or failing to do so shall not have his name on the official ballot."

"Sec. 3. All outgoing officers to continue in office until newly elected officers are installed at next regular meeting after election."

"Sec. 4. The president shall appoint a board of inspectors consisting of seven members, all of whom must be in good financial standing in this union, whose duties shall be to attend to ballots, due books, ballot box, etc."

"Sec. 5. Any member owing four months dues shall not be allowed to vote. No dues will be received on election day."

"Sec. 6. In case a tie vote appears, a new ballot will be ordered and election held two weeks hence."

Blot out sections 1 and 2, Article XXXIV, page 12.

Amend Article III, by-laws:

Substitute "\$500" for "\$1,000" on the twenty-third line.

Amend Article X, section 2, page 17, as follows:

"Should any member continue to disturb the meeting after being called to order, or refuse to withdraw from the room when ordered to do so, he shall be fined the sum of \$1 for the first offense, \$2 for the second offense, and \$5 for the third offense, said amount or amounts to be paid before any dues are received by this union."

All other articles to remain in force.

Dated April 13, 1914.

JUDGE EXHIBIT NO. 2.

PLASTERERS' HELPERS PROTECTIVE ASSOCIATION OF GREATER NEW YORK AND VICINITY.

NEW YORK, February 28, 1914.

Financial standing Nov. 29, 1913 (total)-----	\$1,953.88
Nov. 29, 1913, to Feb. 28, 1914:	
Dues-----	2,034.20
Initiation and permits-----	300.00
Dues and permits and initiation-----	2,424.20
Expense for three months, Nov. 29, 1913, to Feb. 28, 1914-----	1,715.57
Income over expense, a gain, ditto-----	708.63
Secretary-treasurer amount handled for three months, to Feb. 28, 1914--balance of cash on hand previous auditing-----	153.88
For three months (ditto) dues-----	2,034.20
For three months (ditto) permits-----	300.00
The amount (total) handled by secretary-treasurer-----	2,578.08

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From that amount all expenses for three months.....	\$1, 715. 57
Deposited in bank Jan. 7, 1914.....	862. 51
	500. 00
Leaving a balance of cash on hand.....	362. 51
Money in bank at last auditing, Nov. 20, 1913:	
Chambers Street Bank.....	1, 800. 00
Interest for one quarter.....	17. 00
Deposited in bank Jan. 7, 1914.....	500. 00
In bank.....	2, 317. 00
Balance of cash on hand (ditto).....	362. 51
Financial standing in bank on hand, total.....	2, 679. 51
Financial standing, total, \$2,679.51.	

PAT. R. KILCOURSE,
PETER MCCORMACK,
HUGH CLARKE,
Auditing Committee.

[Name auditing committee. Class letters and number, ———. Street and number box, or R. F. D. number, 154 East Fifty-fourth Street, New York; post office, city; State or county, New York.]

PLASTERERS' HELPERS PROTECTIVE ASSOCIATION OF GREATER NEW YORK AND VICINITY.

The financial standing Aug. 30, 1913, on hand and in bank.....	\$1, 533. 33
Secretary-treasurer's books from Aug. 30, 1913:	
To Nov. 29, 1913, for dues.....	1, 422. 30
For permits and initiation fees.....	856. 00
	2, 278. 30
Expense for three months', Aug. 30, 1913, to Nov. 29, 1913.....	1, 857. 75
Making a gain on income over expenses.....	420. 55
The secretary-treasurer received from all sources for the three months ending Nov. 29, 1913:	
For dues.....	1, 422. 30
Permits.....	856. 00
Balance of cash from last auditing on hand.....	33. 33
The total amount handled by treasurer for three months.....	2, 311. 63
Expense for three months, Aug. 30, 1913, to Nov. 29, 1913.....	1, 857. 75
	453. 88
Deposited Sept. 24, 1913, in bank.....	\$200. 00
Deposited Nov. 26, 1913, in bank.....	100. 00
	300. 00
Leaving a balance of cash on hand.....	153. 88
Money in bank.....	1, 800. 00
Financial standing in bank on hand.....	1, 953. 88
Financial standing in bank on hand, \$1,953.88.	

PATRICK KILCOURSE.
PETER MCCORMACK.

JANUARY 14, 1914.

PLASTERERS' LABORERS BENEVOLENT AND PROTECTIVE ASSOCIATION.

[Auditing committee. Headquarters, 200 East One hundredth Street.]

New York, August 30, 1913.

May 27, Hugh Clarke, to secretary-treasurer, dues	\$214.35
June 9, Hugh Clarke, to secretary-treasurer, dues	190.50
June 23, Hugh Clarke, to secretary-treasurer, dues	157.45
Secretary-treasurer, books, dues, and assessments	907.50
Initiation and permit books	956.00
	<hr/>
	2,494.80
Expense for three months ending Aug. 30	1,946.47
	<hr/>
Income over expense, three months ending Aug. 30	548.33
	<hr/>
Amount of money from all sources received by the secretary-treasurer from May 27, 1913, to Aug. 30, 1913:	
For dues, assessments, and permits	2,494.80
May 27, Peter McCormick, for members in good standing	185.00
Hugh Clarke, July 12, for members in good standing	800.00
	<hr/>
Amount handled by secretary-treasurer for three months	3,479.80
Expense for the three months ending Aug. 30	1,946.47
	<hr/>
	1,533.33
Deposited in Chambers Street Bank	1,500.00
	<hr/>
Leaving a balance of cash on hand	33.33
	<hr/>
Money in Chambers Street Bank	1,500.00
Balance of cash on hand	33.33
	<hr/>
Financial standing in bank on hand, total	1,533.33

PAT. K. KILCOURSE.
HUGH CLARKE.

INDUSTRIAL EDUCATION, APPRENTICE-
SHIP, AND THE ADMINISTRATION
OF CHILD LABOR LAWS

(For exhibits under this subject, see pages 1895 to 1903.)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, June 1, 1914—10 a. m.

Present: Chairman Walsh; Commissioners O'Connell, Lennon, and Garretson.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. Mr. Chairman and members of the commission, at the request of Dr. Richards, we have decided to place the doctor on the stand out of the usual order.

TESTIMONY OF DR. C. R. RICHARDS.

Mr. THOMPSON. If the chairman please, the program for public hearings for the next two days includes the subject of the administration of child-labor laws and vocational training.

Dr. Richards, will you give us your name, your address, and your occupation, please?

Dr. RICHARDS. C. F. Richards, director of Cooper Union. Is that sufficient for the address?

Mr. THOMPSON. That will be sufficient. On conducting Cooper Union, do you run a school there? And if so, what kind?

Dr. RICHARDS. We have a day school, or day schools, and evening schools. The larger part of our work is the evening work. We had this last year 3,400 students, of whom between 2,500 and 2,600 are in the evening school and the remainder are in the day schools. There is a day school of technical science and a woman's art school and a woman's school of stenography, and a day school divided—the students are divided between those schools. In the evening we have, as I say, between 2,500 and 2,600 students this year, about equally divided between the technical classes on the one hand and what are called the art classes on the other, the latter being classes of drawing, molding, designing, etc.

Mr. THOMPSON. What do you include in this so-called training department?

Dr. RICHARDS. On that side the courses represent five-year courses in mechanical and civil engineering, electrical engineering, and industrial chemistry. In that respect the evening courses at Cooper Union are unique, in the fact that that particular kind of work—those five-year courses, where the students meet five nights a week, and to which entrance is gained by examination, are courses not represented anywhere else in the country.

Mr. THOMPSON. Doctor, for how long have you been director of the Cooper Union?

Dr. RICHARDS. Six years.

Mr. THOMPSON. And during all that time have you conducted those schools you speak of?

Dr. RICHARDS. Those schools, virtually on the same plan I speak of, have been conducted for 54 years.

Mr. THOMPSON. Before you were director were you connected with Cooper Union?

Dr. RICHARDS. Not with Cooper Union; no, sir.

Mr. THOMPSON. Doctor, have you made any study, or have you any opinion upon the effect of the limitation of hours of children employed in industry under 16 years of age—upon their chance of employment?

Dr. RICHARDS. I have come to a rather strong conviction about that from the working of the law in New York State—from my observation of the working of that law. That is the only case which I have had a chance to directly observe. It seems to me that in the case of New York City, wherever a law is rather drastic in its limitations of hours of employment, that the result is to

cause employers to refuse employment to children between 14 and 16 years of age in the factory trades.

Mr. THOMPSON. What is the limitation in New York State in that regard now?

Dr. RICHARDS. The limitation is eight hours and employment not earlier than 8 o'clock in the morning nor later than 5 o'clock in the afternoon in industries.

Mr. THOMPSON. Well, generally speaking, what has been the effect of the refusal of an employer to employ children between those ages in this State?

Dr. RICHARDS. It has been to a considerable extent to turn children, in the first place, to turn children away from employment. Those children have not gone back to school, certainly apparently to a considerable fraction they have not gone back to school. They have either been, because of the refusal on the part of the factory employers to take them in, they have either gone into temporary jobs or they have played truant.

In the case of the investigation made by the Bureau of Labor of the State of New York in 1908, the staff of workers, regular staff of the bureau that were gathering data for that investigation, which was an investigation into industrial education, reported uniformly that in their visit to establishments about the State, and they went everywhere throughout the State, that the employers reported that these children between 14 and 16 years of age had been refused employment, and, upon inquiry as to what had become of them, they were very often told that they were not back in school and that they were in many cases not employed at all.

Mr. THOMPSON. Have you made any particular study, or have you taken any collection of data in that regard in New York City yourself?

Dr. RICHARDS. That is the chief and really only important direct source of information that I have, was during the progress of that investigation, of which I was in charge.

Mr. THOMPSON. Are you of opinion that the same conditions prevail in this city to a great extent? That is to say, that these children who get certificates from 14 to 16 and who are refused work because of limitation of hours are roaming about, neither going to school nor at work?

Dr. RICHARDS. The data at that time referred to up-State as we call it, the cities and towns more particularly up-State than it did to New York City, and my impressions were more strongly in reference to the up-State cities and not so much about New York City.

Mr. THOMPSON. You have no opinion as to that condition in this city in that regard?

Dr. RICHARDS. I have not from direct knowledge.

Mr. THOMPSON. From your study of those question, Doctor, what would you recommend to be done in that regard? And what, in your opinion, is the responsibility of the State?

Dr. RICHARDS. It seems to me that when laws restricting child labor are put upon the statute books, that it involves responsibility to take care of those children that are turned away from employment. It seems to me that those laws—child-labor laws—are one phase of the question; they are the negative side, the restricting side. It seems to me they bring responsibility to develop positive and constructive measures along with them. They are two phases of the one single question that is involved, it seems to me.

Mr. THOMPSON. You do not believe that those laws should be repealed, do you, Doctor?

Dr. RICHARDS. No, sir; I have no such idea.

Mr. THOMPSON. What form of responsibility, or rather what form does the responsibility of the State take in that regard?

Dr. RICHARDS. It seems to me it is largely an educational one.

Mr. THOMPSON. How would you develop that?

Dr. RICHARDS. It seems to me the largest resource educationally is to provide opportunities for vocational education for those children between 14 and 15 years of age. They will not go back to the regular schools, except under extreme exception in many cases. If they are to be benefited, it seems to me that the reliance must be in the direction of vocational education.

Mr. THOMPSON. Now, Doctor, what is your definition of vocational education as applied to schools and as distinguished from trade schools and part-time continuation schools?

Dr. RICHARDS. Well, I think a vocational education is that field of education which specifically trains for vocational efficiency, as distinguished from general education, which gives all-around education. You asked me to distinguish

between vocational education and trade. I should say that vocational education was the inclusive term, which included all training for vocation, whether high or low, but which always is based upon a selected group of students. By selected group of students I mean the students who have selected their particular vocations. They are then in a position to be dealt with by special means of instruction.

Mr. THOMPSON. Then, in your definition of vocational education, being inclusive and including trade schools, I take it it includes trade schools?

Dr. RICHARDS. Yes, sir.

Mr. THOMPSON. Is there a narrower and more restricted meaning sometimes applied to the term vocational education?

Dr. RICHARDS. The term vocational school has of late years been applied to some extent to those schools taking pupils between 14 and 16 years of age. It is rather an unfortunate use of the term, in my judgment, because it mixes up the narrower use with the broader term.

Mr. THOMPSON. In other words, it has no reference to what is to be done but simply to the ages?

Dr. RICHARDS. Simply to the ages; precisely.

Mr. THOMPSON. Then, in your vocabulary, the use of vocational education and trade education would simply be interchangeable terms?

Dr. RICHARDS. The vocational education being the broad term, including even the training of doctors and lawyers and engineers. The broad inclusive term. And trade schools, being one means of carrying out a phase of vocational education?

Mr. THOMPSON. By the word trade in the matter of education, Doctor, what do you include within that term?

Dr. RICHARDS. I would more easily define a trade school, if you will allow me.

Mr. THOMPSON. I would be pleased to have you do it.

Dr. RICHARDS. A trade school, under common usage, it seems to me, what might be called accepted usage, is a school taking students not below 16 years of age, and giving a training which attempts to provide a substitute of apprenticeship or for training in practical work; that is, not attempting to provide a substitute for the whole term of apprenticeship, but in part, perhaps, either in part or in whole.

Mr. THOMPSON. You said practical work. Of course, doctor's work might be practical work.

Mr. RICHARDS. Yes. That is pretty loose. One has to look pretty carefully at definitions.

Mr. THOMPSON. Let me see if this meets with your approval; if you applied the word trade to mean what is ordinarily understood in industry as craft, would that, or nearly, cover your meaning?

Dr. RICHARDS. It would come pretty nearly to it; yes, sir. It is difficult to define to-day in exact terms, at least, I find it so, what might be properly called a skilled trade, but the word craft that you have used comes pretty close to it, certainly.

The point of definition, sir, that I would like to emphasize about the trade schools is the idea that it takes workers at an age of not less than 16 years of age.

Mr. THOMPSON. I understand.

Dr. RICHARDS. And attempts to provide a substitute for apprenticeship, either in whole or in part.

Mr. THOMPSON. Would that include pupils who are in industry as well as those who were not?

Dr. RICHARDS. I should say not.

Mr. THOMPSON. You should say not?

Dr. RICHARDS. I should say in trades, in the generally accepted term, is one that takes beginners and prepares them for entrance into a trade.

Mr. THOMPSON. Have you any opinion as to the establishment of what are known as part-time continuation schools, day and evening, for children and adults in industries?

Dr. RICHARDS. Will you pardon me if I make a suggestion?

Mr. THOMPSON. Doctor, you may do that.

Dr. RICHARDS. In the line of your previous question you are leading up to the proposition in regard to the question of schools that might meet the situation in regard to the restrictions imposed by the child-labor laws, and on the document that the commission was kind enough to send me they asked the

question: "What kind of schools could meet this particular need?" May I be allowed to say a word in regard to that question?

Mr. THOMPSON. Proceed, Doctor.

Dr. RICHARDS. The types of schools, it seems to me, that can best accomplish proper systems in this situation are the day schools, taking students or pupils from 14 to 16 years of age; that is, from the time that they in this State now secure their working papers up to 16. Those schools, such schools at the present time, labor under a very confused number of titles, the vocational school that you have already referred to has already been applied to them, preparatory trade schools, and in the law of the State of New York they are called "general industrial schools." That type of school which endeavors to give a training which will develop practical skill in trade processes, some practical skill in trade processes, but more importantly acquaintance with trade processes, and some development of industrial intelligence, it seems to me, must be the main reliance for reaching this particular problem educationally. I would be glad to go on into that type of school if you want. But not otherwise.

Chairman WALSH. Yes; I wish you would, please.

Dr. RICHARDS. That type of school developed first in the State of New York, and at the present time there are quite a number. I am not sure of the exact number. There are at least 25 or 30 such schools. They were developed, first, in the city of Rochester, and they are represented to the largest extent in the up-State cities. Buffalo has at least five, Rochester has now at least four, and they are scattered about the State. These last four years in which those schools have been mainly developed have been industrially years of experimentation. They present quite a difficult problem, because those schools must be extensive enough in their instruction to draw pupils, to attract them, and to demonstrate that they are of some worth, while, on the other hand, they can not be carried to a point of extreme crystallization which would do injury to the boys and girls of that age. They are not physically or mentally in shape to be given extremely specialized instruction, nor is it to be expected that they will achieve any great degree of hand skill.

It should not be the aim of such schools to develop workers who are trained workers for industries who will, by virtue of that training, do away with training practical work. The term preparatory trade school, in my judgment, is a very good term for such schools. Their purpose is that the boy or girl may find their feet better in entrance into industries, with better equipment in knowledge, outlook, and in general sense of industrial quantities.

Mr. THOMPSON. Doctor, in that regard pick out some particular trade or vocation that may suit your illustration and say how you would have a child prepared to enter that vocation by a preparatory school.

Dr. RICHARDS. The prominent type of those schools is the first school established in Rochester, called up there a factory school, because it was established in a factory building. That school, as many of those other schools, has based instruction upon a group scheme. It took in boys to the general group of woodworking industries. For instance, now, those boys went in that school and they gained, in the shape of experience in handling tools, not only hand tools but mental tools, in the direction of carpenter work and cabinetmaking. Along with that they had instruction in drawing related directly to shop work. They had instruction in arithmetic in the direction of shop accounts and calculations; they had instruction in the elements of science—that is, in physics, in the mechanics, questions of the lever and the screw, and simple mechanical ideas; they had instruction in English, the writing of statements, and shop accounts; they also had English—some English—on what we call the culture side. That school gave those boys in that particular direction of the woodworking trade simply some understanding of the quantities involved in that and some skill of hand. So that they had a better chance for employment, and when employed they had a better chance for progress.

Mr. THOMPSON. After they have finished such a course, Doctor, then the opening for them would be to go into some woodworking mill and there learn the substantial part of the industry?

Dr. RICHARDS. Yes; to further and increase this training they had had in the shop school in the training, the practical work; precisely.

Mr. THOMPSON. And such school would be called preparatory or introductory to the trade?

Dr. RICHARDS. Precisely.

Mr. THOMPSON. Dr. Richards, I would like to have you state your experience and the opinions you have coming from them from the work you have done on night schools in reference to the demands of workers in industries for training related to vocations. Is there a distinct demand for the pupils in the night schools for vocational training?

Dr. RICHARDS. There is a very evident demand, a very obvious demand, that has been felt in the country for a long time, for the last 50 years, and that is training in the supplementary lines that connect with industry and which allow the worker to be better fortified and to progress in his work. Those lines are, first of all, in the direction of drawing—mechanical drawing, architectural drawing, free-hand drawing; and lines of that kind I think can naturally be said to be the most evident and continuous demand of workers in industries upon evening industrial schools.

Mr. THOMPSON. What trades or vocations would such a course of study be introductory of?

Dr. RICHARDS. Drawing comes into a great many trades, and consequently would be of value to a very large number. Such drawing, in my judgment, should be taught so as to be, as far as possible, specialized and differentiated according to the needs of the different trades, so that each worker would find—get the kind of drawing which is most helpful to him. Outside of the drawing, which I think has been always first in demand, there have appeared of late years other demands which there have been various growing attempts to meet on the side of mechanics—shop mechanics. Then, there comes the whole field of technical work, directly related to industry. In every trade, or in most trades and occupations, there is a certain knowledge which can be most easily placed at the disposition of the workers through regular instruction. That sort of thing is being gradually developed in this country, and technical classes, dealing with knowledge directly needed by the particular worker in different trades, is being developed.

Mr. THOMPSON. Give us a statement, Doctor, of some trade or vocation and the technical instruction that can be given in connection with it.

Dr. RICHARDS. Well, take the matter of the elevator. The steam engineers in various buildings in the city, office buildings in the city, the technical knowledge that is needed to thoroughly appreciate, or appreciate the economic quantities involved in the operation of boilers, engines, etc., can be taught in thoroughly practical shape in an evening school of that kind, and such classes are often not only valuable to the man in his employment, but such classes are valuable in regard to the man obtaining his license, his successfully gaining his license.

Mr. THOMPSON. What technical training, Doctor, do you give as applied to the vocations? I mean, do you give at Cooper Union?

Dr. RICHARDS. The situation at Cooper Union, as I have already remarked, is a little peculiar. Those five-year courses, requiring attendance five years at night, five nights a week, were developed at Cooper Union very early, and they have grown to very large proportions, and the institution has always, or has never had enough funds to do all it wanted to do, and it has confined its technical work in these years to those five courses, leaving out very important work which would be in the line that you have just asked about, that we have just been discussing; that is, classes in single subjects directly related to trades.

Mr. THOMPSON. Have you any opinion, Doctor, with reference to the institution of part-time continuation schools, day and evening, for children and adults, employed in industry?

Dr. RICHARDS. I am not quite clear, sir, about the terms. I know what the industrial part-time school is and the industrial evening school and a general part-time school such as most of the Wisconsin schools are, and general evening schools; but I am not quite clear as to what seems to be called a part-time evening school here.

Mr. THOMPSON. It is intended here, Doctor, in regard to general schools for general education.

Dr. RICHARDS. A part-time school, I might say, is the word that is brought into this mainly to indicate the fact that the worker already employed in industry is giving part of his working time to school instruction. That excludes evening schools. It makes two groups, part-time schools, on the one side, where the pupil is taking instruction in or as part of his working time, and evening schools.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

THOMPSON. What is your opinion, Doctor, with reference to part-time school and its use?

RICHARDS. It seems to me that the school is a very desirable school to have and to foster, by all possible means, for those between 14 and 18 years of age in industry. That school, however, will be of very slow growth because of economic factors that are involved and the long time that it will take to educate the public and employers to the value of the workers being given time out of the working-day to attend instruction. It seems to me that the ideal scheme to work for in connection with the workers that are in industry or industries are part-time industrial schools for those between 14 and 18 years of age and voluntary industrial evening schools for those 18 and over; but that is an ideal which it will take a great many years for us to realize.

THOMPSON. Do you think the need is sufficient to justify the State in compelling the various communities to carry out such a scheme?

RICHARDS. It does not seem to me, sir, that that is the American way to solve the problem nor the expedient way nor the wise way either. It seems to me that the separate communities must be brought to a point where they realize the importance of such education before the State law compelling such action is practical or desirable. Before the communities themselves can develop compulsory part-time schools within their limits, it seems to me there must be a long period during which the public mind in those communities must be educated and the employers brought to a sense of the value of such schools. It seems to me only by those steps, bringing forth by experiment and certain principles, part-time schools where employers are found of sufficient foresight to appreciate the situation to cooperate with the school authorities—only when such experiments can public opinion be developed and the community brought to a realization of all those schools. It seems to me such realization will be first about first with those between only 14 and 16 years of age, and only gradually will it be possible with those between 16 and 18 years of age.

THOMPSON. How would you organize such schools and would you foster growth of public sentiment, and how would you control them?

RICHARDS. It seems to me first that a permissive State law allowing communities to establish such schools and allowing communities to develop common, if they so desire, would be the first step, such as the law passed last year in New York State. After all, it seems to me there must be a period of time where the public-school authorities should endeavor to develop the situation in cooperation with the localities and develop possibility of cooperation with types of such schools.

THOMPSON. Would you put the control in the hands of the board of education—

RICHARDS (interrupting). Ultimately, I would put the control in the hands of the board of education—always, in case of such schools with an advisory committee consisting of laymen that are directly connected with the trades.

THOMPSON. I will ask you, Doctor, if such schools have been established in England, if you know?

RICHARDS. I do not.

THOMPSON. You say you believe that labor should be represented on the board of control of such schools—labor or industry. What do you mean by unorganized labor or organized labor such as unions?

RICHARDS. I should say organized labor, as that is the only practical way to reach the workers in the industries, and by men I mean the representatives of employers and employees, and by employees I mean organized labor.

THOMPSON. In your opinion that would give a better control or management, or a fuller expression of opinion of the respective parties in the schools?

RICHARDS. I am thinking of that feature of it, and of course I am talking in terms now of the next 10 years. I am thinking of this committee as an advisory committee, the schools to be under the direct control of the board of education of the locality or community, and this advisory committee dealing with and assisting and cooperating with them.

THOMPSON. Would you give any power to this advisory committee, or would it be in purely an advisory capacity?

RICHARDS. I should be inclined to give that advisory committee a check on the course of study and upon the employment of teachers.

THOMPSON. Have you anything else to say, Doctor, in respect to the last question—any other opinion which I have not brought out in my question—or regarding any other matters regarding what we have under examination?

Dr. RICHARDS. In regard to the State control of such schools, it seems to me also that the control of such a system of schools should be ultimately under the same authority that controlled the other schools of the State. But in that regard, also, it seems to me there should be an adequate board of education—State Board of Education—upon which representation of the industrial interests or the lay interest in industry, should be had; and if not had, there should be, in the case of State control, also an advisory board that should represent this same specific influence. That is, it seems to me, during the formative years—during the early years of industrial education, industrial schools, and all this experimental work—it is desirable to have special and more or less expert points of use represented close to the administration of such schools; but, on the other hand, it does not seem to me that American experience and American ideas upon all those questions point to anything except a central control by a single State authority.

Mr. THOMPSON. I would like to ask you one more question, Doctor. Have you ever given any consideration to the effect of industrial education on the industrial problem?

Dr. RICHARDS. By industrial problem meaning—

Mr. THOMPSON (interrupting). Meaning the unemployment, making men more capable and useful in their work, and thereby reducing, perhaps, the industrial unrest we have.

Dr. RICHARDS. It seems to me that is one of the direct—I was going to say indirect—but it seems to me that that is one of the direct objects, purposes, and possibilities of industrial education. Industrial education has for its object to make workers in the industry more efficient. Anything that raises the standard of efficiency must raise the standard of remuneration in the long run and must help to raise the standards of living. It seems to me industrial education is simply an essential part of any program in the solution of industrial problems to-day, as you have named them.

Commissioner O'CONNELL. To continue that proposition, are there any apprehensions or impressions among some labor men that the labor market may be overstocked?

Dr. RICHARDS. That is a big question, Mr. O'Connell. You know I have taken issue with that view for a good many years. The only way in which you could overstock the industrial market in the way of industrial education is to have trade schools throughout the whole country which would be turning out a large supply of workers to take the places of others. Now, the economic difficulties that are involved in attendance upon trade schools for boys over 16 years of age are so great that there will never be any large number of youths attend trade schools. "Never" is a pretty long while, but I think it is right, for they can not go to them, they can not sacrifice the income when they reach 16, which is the only time when true trade training, I think you will agree with me, can begin. They can not sacrifice the years needed for attending a trade school. They can not sacrifice the wage earnings. Now, that is the biggest thing of all which limits the possibilities of trade schools ever being any large element in affecting the labor market. In my judgment, if trade schools were established in every industrial community of this country, from the Atlantic to the Pacific, and they were made free, so that attendance upon them could be had by every boy and girl in the United States, the effect upon the labor market would be absolutely inappreciable, because they could not go there—they could not attend such schools.

Commissioner O'CONNELL. Now, Doctor, if a national association for industrial education has a certain policy outlined that you have been pursuing for some time—or what is the essential difference between the policy of your association and the policy of the people in Wisconsin in connection with this question? Just give it to us as you understand it, so we will have it on the record.

Dr. RICHARDS. Well, I know of no difference in regard to the policy of the National Society for the Promotion of Industrial Education as differing with those in the State of Wisconsin except that the board of managers of the society and the association in its annual convention at Philadelphia developed a statement of principles and policies that should underlie State legislation for a State system of vocational education. And in that statement the society affirmed the principle that all industrial schools or vocational education of whatever character should be placed under the control of the central educational

authority of the State and of the community. If I may read a paragraph to that effect [reading]:

"Effective administrative control on the part of the State of both vocational and general education requires the existence of a State board possessing sufficient powers effectively to supervise all forms of education receiving financial aid from the State. Should such a board not exist in any State, or should it be found that an existing board is unprepared to deal effectively with the establishment and promotion of vocational education, then it is expedient and desirable that such administrative board of control for vocational education shall be established until such time as a State board properly qualified to deal with such forms of State-aided education shall exist."

Now, in that the society have taken the point of view that it is wisest and best under American conditions for all the forms of education to be placed under a central State authority.

As I understand it, certain exponents of the Wisconsin industrial educational situation believe in a separate board of control; in so far there is a difference of opinion between their point of view and that of the society.

Secondly, I believe there is held by certain persons in Wisconsin the point of view that a compulsory law requiring attending on part-time schools is desirable. The society, as far as its board of managers are concerned, holds the point of view that I have tried to express here, that it is wiser to work through the education of the community before a State-wide compulsory law is put into effect.

Commissioner LENNON. Doctor, I want to ask you a few questions. The law creating this commission requires a study of the underlying causes of social unrest and the meager investigation that has been made, together with investigations to be had elsewhere, shows that about one-half of the great army of the permanently unemployed—that is, the people who do not work at all—are in that condition because of utter inefficiency. They have no opportunities as boys and girls to learn to do anything well. Do you think there is in this proposition of educational guidance and vocational training a possibility of alleviating that condition?

Dr. RICHARDS. Of alleviating, Mr. Lennon?

Commissioner LENNON. Yes.

Dr. RICHARDS. Yes. Not of solving it, or of entirely removing it, but of alleviating it; I should say yes, if you include in it also, in case of the cities, some good work in manual training in the elementary schools.

Commissioner LENNON. Do you believe the age at which children should be permitted to enter industries should be raised above what it now is?

Dr. RICHARDS. It seems to me that is a subject that can only be met by a fine knowledge of the economic quantities involved, as to whether it is practicable at any given stage, in any given State, to raise the compulsory age. In New York State it is evident that the law at the present time works some hardship; and the question, it seems to me, is simply a question of how soon we are going to be able, as a people, to move forward in this matter of compulsory school age. It seems to me that it will be carried forward, and carried forward with great gain in the same matter of efficiency and preparing for life gradually, up to the age of 16.

Commissioner LENNON. I understood you to say in answer to a previous question that your opinion was that not under 16 was a child ordinarily prepared to acquire a trade.

Dr. RICHARDS. A skilled trade.

Commissioner LENNON. Yes.

Dr. RICHARDS. In the sense of having them skilled in any degree adequate to the practicing of a trade for earning a livelihood; there can be a preparation before that, in my judgment, that will make the pupil ready to receive that training more effectively.

Commissioner LENNON. You have spoken of the matter of the trade schools and their inability to flood the labor market. Is that inherent in the attempt to teach a trade in a school instead of teaching it in a shop where the work is regularly going on and the boy is associated with the turning out of a product which is to be useful in itself?

Dr. RICHARDS. I think that is another point, Mr. Lennon. It seems to me there are two limitations—the trade schools, meaning by trade schools those which take students or pupils at 16 years of age to train them for the skilled trades as a substitution for apprenticeship—there are two limitations: One is the economic limitation, which I have already pointed out, which makes it a

hardship to attend such schools. Secondly, the impossibility of presenting a training in a trade school that shall be as effective as the training under commercial conditions. It does seem to me, however, that there may be a few trades wherein a trade school, for those above 16 years of age, where perhaps a year in length of time may serve a good purpose. Simply a term of about a year, which may go toward a good purpose and save time, so that when the worker or the boy starts into an apprenticeship he may be more ahead than if he had spent that year in industry. But that is the exception. Those conditions, in my judgment, are very few.

Commissioner LENNON. Should a boy or girl, having spent a year in one of those schools, do you believe that they should have credit on their term of apprenticeship?

Dr. RICHARDS. That has been my feeling, Mr. Lennon, that if such schools were administered by the public and supervised properly that they should be schools which should warrant that recognition. There are two "ifs" in that.

Commissioner LENNON. You know of many experiments. You may know of Prof. Snyder, in Cincinnati, I apprehend. What do you think of the system being attempted there as to being possible of general application?

Dr. RICHARDS. I know something of the experiment—or, rather, not now experimental work—carried out by the University of Cincinnati with the engineering students called the cooperative plan, which brings the young engineering students into the shops for a certain time, and then brings them back into the school for an equal time. I regard that as a most admirable scheme, and one that has demonstrated its efficiency; and whether that same principle can be extended to high-school pupils is an open question in my mind, because the condition varies very greatly. In the case of the engineering school student, in the first place, the man has definitely selected his vocation. He is training to be either a civil engineer, a mechanical engineer, or what not. He is also old enough to find his place in the shop, to adjust himself to the shop conditions, and to take hold in the shop with some efficiency. He has judgment, and he can take care of himself. Those conditions are different from those attending high-school boys.

In the first place, the high-school boy has not, in general, selected his vocation clearly. He has not the development which allows him to go for this short time of a week at a time into a shop and find his footing as readily, to take his place without confusion and being an awkward element in the shop. Whether that principle will work out and be as successful in its application to high schools, it seems to me, still remains to be demonstrated. I would say, however, that it is an experiment and a principle of very great interest, and of very great importance; and it deserves a great deal of attention and support in order to find out whether it is not one of the very helpful ways of meeting one part of this problem.

Commissioner LENNON. Doctor, what would appear to you as the proper way to handle children who reach the age to go into an industry and after a short time lose their jobs, or quit work? Should there be some system of compulsory return of those to schools?

Dr. RICHARDS. It seems to me so. Without knowing just what the difficulties that might be encountered are, it seems to me, in principle, that that is the only way the State can carry out the principle of the control of children which it has not assumed between 14 and 16 years of age.

Commissioner LENNON. And those children, having gone to work at that age, indicate either that the child has become dissatisfied with what it is being taught, or the parents, probably, have become dissatisfied, and isn't there a necessity for some vocational training if the child is to be brought back into school?

Dr. RICHARDS. It seems to me so.

Commissioner LENNON. So as to cover that question.

Dr. RICHARDS. It seems to me so. And it seems to me the school that will meet that situation to a considerable extent is the all-day schools for those between 14 and 16. That is when this restlessness develops on the part of the boy, or the economic need develops. It is generally a mixture of both. We find often that the boy or girl could manage to go another year if he or she were sure of some benefit. Now, the only opportunity to develop instruction that will give that benefit is through all-day preparatory trade schools, it seems to me. If the boy or girl has gone into an industry then it becomes a question of attending a part-time industrial school.

Commissioner LENNON. Do you believe the State should assume the obligation to give all children the opportunity for that kind of education which will enable them to make a success of their lives?

Dr. RICHARDS. I believe so. I believe that has become pretty well recognized as a legitimate function of the State.

Commissioner LENNON. There has been some feeling—and perhaps more feeling than reason—on the part of organized labor men that they must have a large representation upon the management of vocational education or trade education as it comes under the State. Do you believe that is justified?

Dr. RICHARDS. I think that they ought to have representation, sir. I don't think there is any necessity for a large proportionate representation, as, in my experience, I have found representatives of organized labor, when small in number, are perfectly able to make themselves felt and to influence the situation; but that there should be representation—

Commissioner LENNON (interrupting). I know; I am on a school board and I know what we can do when we get it. Thank you, Doctor.

Chairman WALSH. Mr. Garretson, did you desire to ask him something?

Commissioner GARRETSON. Yes.

Doctor, from your experience, has it appeared to you that, taking the boy at what is a derelict age, when he won't work and won't go to school, has it appeared to you that that has grown out of the fact that in a majority of instances, because he will neither work nor go to school, he has not found anything that would arouse his interest?

Dr. RICHARDS. In a very large number of cases that is, in my judgment, the cause.

Commissioner GARRETSON. Would not the applying of the idea that was referred to in the Cincinnati work to the high-school students, do this? It would weed out and develop unfitness, even if it did not develop absolute fitness in any large majority of instances?

Dr. RICHARDS. I think it would, Mr. Garretson, but the point that appeals to me is that this problem of industrial education is not primarily a high-school problem at all. If you observe this problem with the idea of applying it to the high school, you will never be able to alleviate it substantially, because the real problem of industrial education is concerned with that proportion of boys and girls that leave school at 13 and 14, before they leave the grade school, and they never reach the high school.

Commissioner GARRETSON. If there was a certain amount of manual training association through the lower grades, wouldn't it work out the same results?

Dr. RICHARDS. It would help.

Commissioner GARRETSON. It would enable a boy, if he were not fit, to find it out, or at least to determine where he did not fit?

Dr. RICHARDS. I think it would help. The whole question affecting the situation is one not only of developing knowledge at school, but also one of affecting the attitude of the boys and girls; and that question is so deeply involved in our whole American attitude toward life, our social attitude, that it has got to be more than the school; it has got to be the street and the family and all the influences, in order to bring the workers to an appreciation of the dignity of industrial careers. Now, manual training is simply one of the things that may effect it.

Commissioner GARRETSON. Wherever a good, healthy interest is developed in the direction of the boy's taste, you have solved the problem as far as that boy is concerned?

Dr. RICHARDS. I think so, to a large extent.

Commissioner GARRETSON. I got or understood one statement early in your testimony, that I would like a little fuller statement on. If I understood you, you took the position that in the question of vocational training as an entirety, you favor, if there is State legislation, that it be permissive instead of compulsory as to the establishment of State institutions, and you favored the educating of the community to a certain standard before it could be a success. Now, what I would like to know is, would that be your same attitude toward the public-school system if the public-school system were a nonaccomplished fact, as the other is? Now, is this not true that in the newer States, where a complete system of public schools existed before the community existed largely—I am speaking of the segregated community within that State, for instance, take a Western State that had only a limited number of inhabitants necessary for incorporation as a State, or admission, and the public school law virtually spring into existence as Pallas did from the head of Jove—

Dr. RICHARDS (interrupting). Yes.

Commissioner GARRETSON. Isn't the best record as to education where the community has come into existence and found the law in existence aiming to educate the community, and isn't the worst result in the old community where the community has existed before the system of educational school law and the community has never come into full sympathy with the school law?

Dr. RICHARDS. I don't know that that is the result of the conditions you speak of. In the older communities we have, of course, the larger part of the poverty of the country and the larger share of immigration. It seems to me that those causes are much more operative than those you name.

Commissioner GARRETSON. You will find exactly the same thing, will you not, in that portion of the older States where immigration has not cut a figure? Isn't it true that, as a general proposition, the public school laws are most defective in those States which have not been affected by immigration to any large degree? Southern States, largely?

Dr. RICHARDS. Yes; but I suppose, taking the Southern States, may not they have been affected by other conditions in the South?

Commissioner GARRETSON. To a certain extent. I am not bringing this up as a determining factor, but it seems to me if you are to educate the community instead of putting the law there making the community act, it will not produce the result in anything like the same amount of time.

Dr. RICHARDS. Well, I don't myself, Mr. Garretson, see how you are going to do anything in the way of laws, unless you have the convinced sense of the community behind you. That don't mean that every man in the community is convinced, but it does mean that the best sentiment and spirit in the community believes in it. Here in New York City we have had long experience in regard to compulsory laws that are active here, and the experience is not one to make us believe very much in them, in many ways.

Commissioner GARRETSON. You take a whole system of compulsory laws, as for instance, those covering sanitation—I am just taking that as a sample—has your experience taught you that the bulk of communities have ever shown any interest in them until they had to do it? Some devastated community develops that interest; but the average community everywhere, only a few individuals in the community take an interest?

Dr. RICHARDS. Well, in a case like that wouldn't you say that the public sentiment of the State as a whole was pretty well developed on that point, although you might find some community who were not? I am in the dark there, Mr. Garretson; I don't know; I am simply trying to answer you.

Commissioner GARRETSON. Now, in the business I was engaged in a good many years, I was brought into daily contact with the personal sentiment of a large number of communities. For instance, I ran a passenger train into Shreveport at the time it was devastated with the yellow fever. There was intense interest in that and the surrounding community in regard to sanitation laws immediately following. But when you got a hundred miles away from there where they had not had it impressed upon the community, with the exception of a few individuals, they were sitting on the fence. But the enactment of compulsory laws pushed them over onto the side of the law, and they became operative; and I believe it is true in regard to the whole safety code, in those directions.

Dr. RICHARDS. I see.

Commissioner GARRETSON. That is what made me raise that point. I believe that if the machinery is established and is placed there, it will be taken advantage of by the very people who would oppose its institution unless they recognized it as a necessity called for by the law.

Dr. RICHARDS. On the other hand, take this question of the part-time schools; we have not enough knowledge in this country to develop any compulsory education law. There is no uniformity of conviction about these schools. There is no uniformity about procedure; we have only a few such schools in Wisconsin, and two or three in the rest of the country. It is no time at present to develop, in my judgment, compulsory laws until we learn more about them. We have not the data. We simply don't know how to do it. And we would, on the other hand, be doing very great injustice, it seems to me, both to the young workers and to the employer, if we should develop a compulsory State law requiring attendance upon such schools at this stage of the game.

Commissioner GARRETSON. There is a point right there, Doctor, that I want to draw your attention to—the misuse of a word on my part. I did it because

it had been used in regard—I was speaking of compulsory institutions and not compulsory attendance.

Dr. RICHARDS. Oh, to provide such things.

Commissioner GARRETSON. To provide for them, and not to compel attendance at them. That is where the misunderstanding is. It was improperly used without the explanation.

Dr. RICHARDS. Well, now, there is a permissive clause in the New York law which allows for the establishing of the schools for pupils between 14 and 16, and it has been on the statute books about four years, and Mr. Arthur T. Deane could tell how many schools there are at present in the State of New York, but that number is large. Now, there is an entirely new type of school which has developed under permissive legislation, and it seems to me that we may and should look for the same thing in regard to part-time education, if you want such schools, under permissive legislation.

Commissioner GARRETSON. I don't want, by my question, to give the idea that I have given an exhaustive study to this subject, or that I am an adherent personally of the compulsory system; but what I want is to draw out the different phases of that from a man who had been in the game.

Dr. RICHARDS. Well, New York, I know, in the last year, gives permissive opportunities for a city to supply such schools, and to compel attendance upon them. It seems to me that that is an excellent thing to do.

Commissioner GARRETSON. Then would you take the majority of the community under that permissive act, or a stated percentage?

Dr. RICHARDS. It lies in the community. This is the first step in New York State toward the development of part-time schools; and the law provides that communities shall be allowed to transfer from compulsory evening attendance such pupils—those pupils between 14 and 16 years of age that have not completed their school requirements, and to compel such children to go to part-time day schools.

Commissioner GARRETSON. It embodies both features of compulsion—that is, compulsion in regard to attendance, and compulsion in regard to the instituting of the schools.

Dr. RICHARDS. Yes; where the school is instituted it gives them permission to do that.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, Mr. Richards.

TESTIMONY OF DR. S. JOSEPHINE BAKER.

Mr. THOMPSON. Give us your name, address, and occupation.

Dr. BAKER. Dr. S. Josephine Baker, director of the division of child hygiene of the New York Department of Health.

Mr. THOMPSON. How long have you occupied that position?

Dr. BAKER. Since January 1, 1909.

Mr. THOMPSON. Does that department have the issuance of certificates of employment in this city?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. What educational test is made, if you know, before such certificate is issued, and by whom is it made?

Dr. BAKER. The law requires that the child must bring a so-called school record, showing that it has attended school at least 130 days previous to its application, or previous to its fourteenth birthday; and also that it must have passed through the sixth grade—sixth year of schooling. The law also provides that the officer issuing the employment certificate shall state that the child is able to read and legibly write simple sentences in the English language.

Mr. THOMPSON. And that is done by the health department?

Dr. BAKER. That is done by the health department; yes, sir.

Mr. THOMPSON. What physical examination is made and what standards are required for the issuance of the certificate?

Dr. BAKER. The State labor department requires, or the law requires, that each child shall be given a physical examination, and a form filled out, the type of form to be approved and furnished by the State commission of labor. There are no standards definitely applied by the law as to the type of physical disability that will prevent a child from working, except that the officer issuing the certificate must be satisfied that the child is physically well developed and physically able to perform the duties which he intends to take up.

Mr. THOMPSON. In determining that fact, what is the usual practice you develop in making the examination?

Dr. BAKER. Our usual practice is that when a child is suffering from a physical defect which is by its very nature permanent, where little hope can be held out of improvement, that application is refused at once. Under circumstances, however, where the child is suffering from a condition that may be easily remedied, our practice is to turn that case over to the school nurse, who takes it under her control, follows it up, and sees that the proper treatment be given the child, and the child may then be reexamined, and if, in the opinion of the physician, it is in sufficiently good physical condition, a certificate is issued. In that connection I may state that we have established a standard of height and weight—4 feet 8 inches and 80 pounds for a boy or a girl of 14 years. At that age the boy and the girl very closely approximate the same height and weight. The ordinary normal standards of height and weight of boys and girls 14 years of age of American birth are 5 feet and 90 pounds. Our standard is necessarily below that because of the preponderance of the foreign element, especially among the children, which shows quite a lack in height and weight, and yet they are normal physically.

Mr. THOMPSON. In addition to the height and weight what other tests or examinations are made by your department?

Dr. BAKER. I have here, and may offer you for the purposes of the record, if you care to have it, a form that is made out by the State commission of labor. It includes not only the height and weight, but a test as to the vision, a test as to any acute eye disease, the hearing, the rate of the pulse, the condition of the lungs, the condition of the heart, the condition of the teeth, the condition of the breathing, and of the pharynx and of the palate, and whether or not there are any enlarged glands. If a child is anemic, has a hernia, or whether or not it has been vaccinated, the condition of the spine, and any other abnormalities that may be discovered in the course of the examination.

Mr. THOMPSON. And this examination is made by a regular staff of physicians employed by your department?

Dr. BAKER. Yes, sir.

(A document was received in evidence and marked "Baker's Exhibit I.")

The document referred to, Baker Exhibit No. 1, was submitted in printed form.)

Mr. THOMPSON. What examination, or what is done with reference to child hygiene as relating to the issuance of certificates by your department?

Dr. BAKER. Every child that is found to have a defect of any nature is given instruction in hygiene and any child that is found to be in need of treatment is, as I have already mentioned, put under the care of the school nurse and treatment is provided. This has developed into quite an extensive system, so much so that we have at the present time assistance through a philanthropic society, a home in New Jersey where boys are sent for periods of two or three months, boys suffering from malnutrition or anemia, so that they may have an opportunity to regain their health. It is purely voluntary on the boys' part, not compulsory.

Mr. THOMPSON. And then they are reexamined again?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. Before the issuance of a certificate?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. What instructions are given to children, if any, about hygienic matters as the result of the examination and what you may find?

Dr. BAKER. That is rather difficult to answer, because it depends entirely upon the nature of the case, but in general the instructions comprise the hygienic care of the body, and also instructions as to the necessity of better sanitary conditions or sanitary surroundings in the home, if those are apparent to be at fault.

Mr. THOMPSON. And that is given to those children which appear before you applying for the certificates?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. And evidences of age—what evidences of age does your department require before the certificate is issued?

Dr. BAKER. That is a matter that is determined by the State law, and at first the child has to have—you will find that under section 70, the provisions of the labor law of the State of New York. The law provides very definitely the order in which the evidence of age may be accepted. The child must, first

of all, present a record of its birth, if that is possible. If that can not be obtained, a friend or parent must make a signed statement that effort has been made to find it and they have been unsuccessful, and then they can present a sort of certificate of graduation. The third section allows for the presentation of a passport or baptismal certificate, and the fourth other documentary evidence, and that may include any evidence whatever. A report of the Census Bureau, an insurance policy, family Bible, or almost anything that would throw any light on the age of the child. The last section, however, is considered rather dubious, in that the law provides that the officer in charge of the issuing of employment certificates can not immediately issue a certificate on such evidence, but that the evidence must be sent to the board of health and considered by them, and they finally act upon it.

MR. THOMPSON. From your experience in this department, have you an opinion of the conditions under which a child should be permitted to ask for a certificate? For instance, as to whether there should first be a promise of the place to the child before it comes for the certificate?

DR. BAKER. I do not believe that that should be made a requisite. My experience has been that it would open the way to a very large amount of petty graft—that the child could obtain such a promise of a job on the payment of probably a small fee even when the job itself was not forthcoming. I think it would not be a restrictive measure, it would not have a restrictive influence, and it might be very harmful.

MR. THOMPSON. When a child leaves a job, either voluntarily or is discharged, what would you have done with this certificate and what is now done with it?

DR. BAKER. Under the present law it is kept by the child. It is kept during the period of employment.

MR. THOMPSON. Would you change that law, or does that law meet with your approval?

DR. BAKER. That is a part of the whole general law which, in this State, allows the certificate to be issued and goes for any job the child may get. There would be no advantage under the other provisions of the law in determining that certificate, because it would simply mean the issuing of another of exactly the same character.

MR. THOMPSON. Under your present State law is it possible to follow up a child in industry to see whether he is going to school or is working, where a certificate has been issued?

DR. BAKER. It is perfectly possible under the compulsory-education law, not under the labor law. The compulsory-education law provides a child must attend his school, even though he has a certificate, unless actually employed, and if that law were properly enforced it would provide a complete follow-up of children in industry.

MR. THOMPSON. What would be your view as to the proper system of following up such cases as you mention?

DR. BAKER. I think that system could be elaborated, or at least could be so enforced as to be entirely competent. The State labor department follows up almost all cases; that is, we notify them of the issuance of every employment certificate, and their inspectors are constantly inspecting mercantile establishments and factories to determine whether or not there are any children illegally employed. They are also responsible for the sanitary conditions under which the children work.

MR. THOMPSON. What departments in this State deal with the issuance of the question of certificates and the following up of children and the inspection of factories where children are working?

DR. BAKER. The State labor department and then the city education department and the city department of health.

MR. THOMPSON. Do you believe that there could be a cooperation or a bringing together of those various agencies in better form than is now in existence in this State?

DR. BAKER. Well, I think there are a few systems that could not be better. Undoubtedly there could be better cooperation, and yet it is very good as it is.

MR. THOMPSON. Do you think it is sufficient to accomplish the purpose?

DR. BAKER. I do not want to misunderstand. Are you asking me whether it is my opinion that the cooperation could be better or my opinion that this law could be worked out under one central body?

MR. THOMPSON. First, do you believe a better system could be devised than those three departments? Would it be better if they were under one department and under one supervision—the supervision of one person, for instance?

Dr. BAKER. No, sir. I don't believe it would be better. I think that a little checking up is a good thing, and my experience has led me to believe that if all of these factories were under one control there would be a certain amount of fairness in the enforcement of the law.

Mr. THOMPSON. Aren't there places now where these various departments or divisions that deal with this question miss fire with one another?

Dr. BAKER. I can not definitely think of any at the present time. I may be permitted, perhaps, to tell you more definitely what I mean by a little checking up. As I said some time ago, the law requires not only that the child shall present a school record as evidence of sufficient education, but the law requires that the child shall have passed through a certain amount of schooling; that is, through the sixth year—and that it shall also be able to write legibly and read simple sentences in the English language, the last being in the health department. During the last three years there have been refused by the health department: In 1911, 325 children; in 1912, 239 children; and in 1913, 192 children, who had received from the department of education school records showing that they had passed through the sixth grade, and yet who were not able to read or legibly write simple sentences in the English language taken from the third-grade readers.

Mr. THOMPSON. In other words, children who had fallen down on the educational test?

Dr. BAKER. Yes, sir. In addition, we have had presented to us, notwithstanding the law, during the last three years 305 school records which in themselves did not live up to the amount of schooling required, so that the children were refused on account of what was determined insufficient tuition. This is a matter the superintendent of schools has given a great deal of thought to, and he has endeavored, I know, quite strenuously and with a great deal of interest to not have any children given school records unless they were educated within the meaning of the law. He has provided for special tests in the different schools, with a ruling that no children should be given school records unless the child had passed those tests. That accounts for the drop from 239 in 1912 to 192 in 1913; and yet in every safeguard that he has put on the matter there still are a considerable number of children who are not educated within the meaning of the law, and yet who present the school record showing that they have passed the requisite amount of schooling.

Mr. THOMPSON. Under your present system, how would children who have obtained a certificate of employment from your department, who have gone to a job, we will say, and have gotten it, and then have the job a week or a day or a month, what method is there now in existence for finding out either that the children are at work or that they are at school?

Dr. BAKER. That could be better answered by some one from the department of education. That is a matter which is under their control, under the compulsory-education law.

Mr. THOMPSON. Have you made any study, Dr. Baker, of the fitness of children of 14 to successfully cope with industrial conditions and have you any opinion in regard to that matter?

Dr. BAKER. I was going to say, if you mean making a study and doing the detail work myself, I have not; but I have been in close relation with detail work made by others, using the work as a basis. That work has not brought out one fact on which I will express an opinion, first. My opinion is that a child of 14, either a boy or girl, particularly a girl, is not physiologically fitted for work. I feel that there is a very serious danger in allowing girls of 14 to go out into employment practically unrestricted as to its nature, from purely physiological reasons.

Mr. THOMPSON. What amendments or what suggestions would you make in regard to limiting the right of a girl or boy to go out in industry?

Dr. BAKER. My opinion is that the boy or girl of 14 should not go out into industry. I think the child, both from economic reasons and from physiological reasons, should not work until he or she is 16.

Mr. THOMPSON. Sixteen?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. Would that relate to all kinds of work?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. Or would you permit them to do some kinds of work, and not others?

Dr. BAKER. I believe there is a possibility of their abusing the continuation school idea between 14 and 16 within—

Mr. THOMPSON (interrupting). I am speaking of the physiological condition of the child of that age?

Dr. BAKER. That is not so essential with a boy as it is with a girl.

Mr. THOMPSON. Would you limit a girl from getting any kind of employment until she is 16?

Dr. BAKER. I think it would be safer to do so; yes, sir.

Mr. THOMPSON. Is there not any work that a girl might be permitted to do that would be uninjurious, say, after she is 14?

Dr. BAKER. There are a great many questions, and in individual instances they would not work any hardship, but taken together, with the economic phase back of this whole child-labor question, I believe it is not necessary and, since it is not necessary, it seems to me unwise.

Mr. THOMPSON. Then you believe from the standpoint of the economic condition of the child it is not necessary for a girl to go into industry?

Dr. BAKER. An investigation—

Mr. THOMPSON (continuing). Before she is 16?

Dr. BAKER. An investigation was made here in New York State with some 327 families here, in New York City, by Mrs. Fernandez, who at that time was Miss Barrows, working in cooperation with the health department, and she, by applying the Government standard of family living, found that not more than 20 per cent went to work because of the economic pressure. The United States has made similar surveys, which are reported. It is reported in the report of the condition of women and child wage earners in the United States, and they show—the Government investigation shows—that only 25 per cent of the children who went to work were forced to do so through any economic conditions.

Mr. THOMPSON. What would you say with reference to that 20 or 25 per cent, as to what should be done where there was an economic necessity for the child to work?

Dr. BAKER. I presume that all matters of this kind are in the nature of a compromise, and one must consider whether or not the greatest good to the greatest number is being done, and I dare say we never could find conditions so ideal that we could take up any phase of industry or any class of people and reach the ideal conditions, but I believe that the smaller the number of children who are forced to go to work the better for all.

Mr. THOMPSON. Could there be anything in the economic condition of the family, as well as the education and health of the child, which would make their employment feasible and practical?

Dr. BAKER. Perfectly feasible.

Mr. THOMPSON. That would meet this condition, then, would it not, as you state?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. What opinion have you with reference to what the schools should be in reference to the training of children for industries?

Dr. BAKER. I should like to answer that, if you will permit me, with rather mixing it with another subject.

Mr. THOMPSON. Answer it in your own way, Doctor.

Dr. BAKER. I believe that is very closely connected with the reasons why children leave school to go to work. The average child, in my experience, leaves school to go to work because he is physiologically active. The boy or girl between 14 and 16 has a very definite need of expression. They want to do something with their hands. They are not content to sit quietly in the school and take what the school has to offer them under the present conditions. It does not represent anything to them, unless they are exceptionally bright, exceptional children with a desire to learn for the sake of learning.

There is also the reason that they see other boys and girls are working and making money, and they want to get out, and they leave school without any definite idea of why they do, except that it is the accepted sense; 14 years old you get your working papers and go to work. They are, almost without exception, so far as we have been able to determine, utterly untrained, and a great majority of them go into unproductive employment; that is, the so-called blind-alley job. Of those particular 327 cases that I was speaking about it was found that in 314 the jobs that the children got—there were 406 jobs involved—in all that 314 jobs there was no chance at all for the child to receive any training which would fit him for a better position in the future.

Now, if the school is going to supply that need it must, first of all, give the child something that is going to psychologically interest the child. It must give them a desire to work and be the kind of work he would like to do. It

must not be a hard and fast system which will put a boy into a carpenter shop when he would rather be a plumber. He must have some idea of his work, and if he starts into a carpenter shop, because he thinks he wants to, it must be elastic enough to permit him to go and try all the others of industrial training until he finds something that pleases him, or something for which he has some aptitude. I do not believe a boy or girl of 14 knows what he wants to do. I think the best example of the application of this system is the one worked at Gary, Ind., where the boy or girl is allowed to take up one vocation after another until they find the job they are fitted for.

Mr. THOMPSON. What have you to say in reference to what the school should do in part-time continuation schools for children in industry?

Dr. BAKER. I believe, first of all, the compulsory-education law should be raised to 16 years, without allowing the child to leave before that time, even with an employment certificate, and that the plan should be followed that is now being followed in a limited way, and that is, the so-called three-division plan of the last two years of the elementary grade. The child may spend those two years in a purely academic training, leading on up to the highest school grade, or may take a commercial course, or take an industrial course, giving an outlet for their preferences, and at the same time fitting them for industry and for commerce.

Mr. THOMPSON. What would you do, as I understand your answer, you did not cover the—

Dr. BAKER (interrupting). The continuation school I think is a problem that applies, as the previous speaker said, beyond the elementary school age. I think it could hardly be conducted during the time when the child was between 14 and 16.

One employer in New York is quoted as saying that there are no jobs for boys or girls under 16 that they ought to take. They are not sufficiently sure of their own ground, and I think they would be of very little value to any employer, a boy or girl of 16. After that age, I believe a continuation school is not only practical, but with the reservation that must be made from the employer's point of view, I am sure I don't know whether they feel it is economically possible, but I believe from the educational point of view it is a very excellent thing, industrially.

Mr. THOMPSON. Do you think they should be compulsory or not; that is, the establishment of them and the attendance in them?

Dr. BAKER. I should say the establishment of such schools should be compulsory with reference to a certain percentage of the population; but I also agree with Dr. Richards that it would be practically impossible to make the attendance of them compulsory.

Mr. THOMPSON. For what reason?

Dr. BAKER. Because they apply mostly to the boy or girl past the school age, and where the economic pressure—past the elementary school age and where the economic pressure is a little more marked and it is very largely a question of the employers themselves, of whether or not they could meet such an overwhelming demand.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson, have you any questions?

Commissioner GARRETSON. No; I thank you.

Commissioner LENNON. Do you know of any study having been made in this country of the relative success of children entering industry at 12 and those entering at 14 and at 16?

Dr. BAKER. No, sir.

Commissioner LENNON. It has been made in some of the European countries. I have some of the data of that kind.

Dr. BAKER. I know nothing of that kind in this country.

Commissioner LENNON. Have you been taught by your observation and your contact with this subject that it is desirable to raise the age to above what it is now?

Dr. BAKER. Yes, sir.

Mr. THOMPSON. By your observation?

Dr. BAKER. I feel that there is no great necessity of the children working, and that the relation to the question that you are studying, that is the relation to the question of industrial unrest is a very important one. We are turning out each year in New York City some 40,000 untrained workers, children, with employment certificates, and the very large majority of them are totally unfit for any trade or any occupation whatever. They go into the very large majority

of those jobs which have no possibility of training them, and within a very few years they have reached adult life and are still earning a child's wage. They are not worth any more in the industrial market.

Commissioner LENNON. Where a child applies for a permit to go to work, would it not be well if the authorities had the right under the laws to investigate as to the economic necessity; and if they found none, to refuse a certificate for a couple of years?

Dr. BAKER. Yes, sir; I think it would be an excellent one.

Commissioner LENNON. So do I. I have been looking up the situation myself somewhat. Do you, in applying a physical examination, have it marked peculiarly as to the employment into which the child is to enter?

Dr. BAKER. The law does not provide for that, and, I think, mistakenly. I believe that certificates should be; and some leeway should be given to the issuing officer to restrict the nature of the employment. Some children could do light employment, and yet, for fear that they may be thrown into heavy work, we refuse to issue the certificate.

Commissioner LENNON. Where children change jobs and go into industry, I have been trying to discover why the State or the organized school system should not continue to look after those children. Why, I find, in New York, and Chicago, San Francisco, and wherever I go, that there is a laxness about looking after the children if they lose a job in a week or two weeks or a month. Isn't there some way we can cure that?

Dr. BAKER. The compulsory-education law provides a way. The child is supposed to be under observation until 16 years of age, and only to remain out of school so long as they are employed.

Commissioner LENNON. There are failures here in New York?

Dr. BAKER. My personal observation is that that law is hardly enforced at all.

Commissioner LENNON. That is all.

Chairman WALSH. How many certificates are there in the Borough of Manhattan? Do you know, offhand?

Dr. BAKER. I don't believe I could tell you that offhand. There are about 41,000 for the city.

Commissioner LENNON. Forty-one thousand?

Dr. BAKER. Yes, sir; that is for 1913.

Chairman WALSH. For Greater New York—all boroughs?

Dr. BAKER. The five boroughs; yes, sir; probably nearly half of those are in the Borough of Manhattan.

Chairman WALSH. That is all. Thank you, Dr. Baker.

TESTIMONY OF MR. JOHN H. WALSH.

Mr. THOMPSON. Mr. Walsh, will you please give us your name, your address, and occupation?

Mr. WALSH. John H. Walsh, assistant superintendent of schools, board of education.

Mr. THOMPSON. How long have you been in that position, Mr. Walsh?

Mr. WALSH. You mean the particular one of compulsory education?

Mr. THOMPSON. Yes.

Mr. WALSH. A year and a half.

Mr. THOMPSON. What connection had you with the department of education before that?

Mr. WALSH. Associate assistant superintendent; but this is a special assignment. There are eight of us that are assigned to different positions, and this was put in my charge September a year ago.

Mr. THOMPSON. What are the requirements of the law in regard to school attendance in New York City?

Mr. WALSH. The school law that all children between the ages of 7 and 16 must attend school for the full year unless they obtain employment on an employment certificate granted in accordance with the law.

Mr. THOMPSON. What number of officers have you got to perform the work of seeing that the law is fulfilled?

Mr. WALSH. One hundred and six, perhaps.

Mr. THOMPSON. What territory do they cover?

Mr. WALSH. The whole city—the five boroughs.

Mr. THOMPSON. In your opinion, are they able to cover the work pretty carefully and thoroughly?

Mr. WALSH. Oh, yes; easily. Too many, perhaps. The more officers we have the worse off we are. In Richmond, where we can do the work with two, they had 13 a few years ago.

Mr. THOMPSON. What is your reason for that, Mr. Walsh?

Mr. WALSH. My theory is that the truant is largely manufactured in the school by the teacher and by the opportunity. In the first instance, all cases of absentees should be dealt with by the teacher. She could ascertain the cause. Where they do otherwise they send down the roll call to the school clerk, who copies the name of every absentee. The thing goes peremptorily, if the truant officer is visiting the house all the time. In some schools the teachers go to the homes themselves and inquire as to the cause of the absence. In one school the teacher gets there before 12 o'clock. It breaks the heart of a hooky player to get caught in half a day. In the other cases, where too many cases go to the officer, he may not get around for a week, and you know we do not worry about a note that is four months off. We take more chances.

Mr. THOMPSON. How many pupils do you usually have in this city?

Mr. WALSH. Forty-five on an average.

Mr. THOMPSON. Isn't it possible for her to teach the school and follow up the children?

Mr. WALSH. She has only one or two that needs attention. She knows where the brother is or the cousin is. The efficient teacher has no absentees.

Mr. THOMPSON. There is a school census taken in this city?

Mr. WALSH. Yes, sir; there is a census board taking the census.

Mr. THOMPSON. How is that taken, and what does it comprise?

Mr. WALSH. The census board has been merged with the compulsory education board. On the 1st of May the new law went into effect. The old law required the census to be taken by police officers, but a couple of years they found the police officers were not satisfactory and now it is done by the enumerators of the permanent census board. They work in a district, but they have not covered the whole city as yet, perhaps, the second time. On the 1st of July, perhaps, we will start and use our attendance officers and help the enumerators and take up the census as far as possible and keep it going on up to it.

Mr. THOMPSON. Of what did that census consist, children or adults?

Mr. WALSH. Children up to the age of 18.

Mr. THOMPSON. Children up to the age of 18?

Mr. WALSH. Yes, sir; that is, the follow-up after they leave school.

Mr. THOMPSON. What supervision is there over the work of certifying to the educational requirements of children seeking employment certificates?

Mr. WALSH. You mean the examination by the board of health?

Mr. THOMPSON. I mean what supervision of your department, or does the board of education make?

Mr. WALSH. The board of education has a blank that the principal of a school fills out, stating that the child has attended 130 days in his school immediately following his thirteenth birthday or immediately preceding the date of application for the license, and that the child has finished a sixth-year course.

Mr. THOMPSON. Who issues that certificate?

Mr. WALSH. The principal of the school.

Mr. THOMPSON. Is there any supervision over such certificate by any department or the board of education?

Mr. WALSH. In no other than by the board of education, except that the district superintendent of a district is supposed to conduct an examination at which those children were examined. The law does not require that, but the rules of the city superintendent call for that. A child who has finished the sixth year can surely pass the board of health examination. The tendency of the principal is to get rid of a nuisance, and he crowds them on the sixth year overnight.

Mr. THOMPSON. What provision does the board of education make to catch just such cases and prevent the principal from doing that?

Mr. WALSH. The department of health generally notifies the city superintendent of the cases of the certificates refused for lack of education.

Mr. THOMPSON. Then the board of education relies upon the health department as a check upon that subject?

Mr. WALSH. Yes.

Mr. THOMPSON. Why, if you know, has not the board of education developed some closer check itself?

Mr. WALSH. Well, most of those people who apply for certificates of that kind, I imagine, are driven to it by stress of poverty. It is a condition; the father meets with an accident; there is no one on earth to work but that boy and that girl, and there is such a condition there that the principal rather weakly gives certificates of attendance.

Mr. THOMPSON. With that knowledge in the minds of the heads of the department of education, why don't they institute or employ some additional check on the action of the principal?

Mr. WALSH. I would not check that fellow. I would hope it could go through.

Mr. THOMPSON. You would?

Mr. WALSH. Yes, sir. It is a condition and not a theory. I have it every day. Nothing in the house, no shoes to wear, no clothes. What are you going to do?

Mr. THOMPSON. Did you hear Dr. Baker's testimony to that, upon the examination of three hundred and fifty-odd cases, it was found that only 20 per cent of those cases were cases where there was economic pressure?

Mr. WALSH. Yes; but what is the individual going to do that is hungry? There is 100 per cent there before me.

Mr. THOMPSON. When the applicant comes for the issuance of a certificate, no investigation is made by the department or by the board of education to see whether there is any economic pressure?

Mr. WALSH. No, sir; not by the department as a whole. Miss Baker may be a little astray about some of those things. There was an old form of certificate in which the grade was not specified, and sometimes the principal used those. When Mr. Maxwell found out he sent an order not to use them. The principal did not have to state the grade in which the child was.

Mr. THOMPSON. Assuming a child comes to you and says, "We have no bread in the pantry, we are hungry, and I have got to go to work." I would judge from what you say that there is no investigation made of that statement by the board of education, and no means of investigation, but that you take the child's statement as a fact?

Mr. WALSH. A child is not at work, it is reported to us as not at school. We call on the parents and they tell us that the reason the child is not at school is because it has nothing to go to school with. We have in different schools ways and means of getting a pair of shoes or something of that kind, and we manage to do it. Occasionally we find how they are working some place making five or six dollars a week, it is my duty, perhaps, to order that parent taken before the magistrate's court. If this parent can show a case of poverty, no magistrate will convict that parent. There is no money to pay the fine if he is convicted.

Mr. THOMPSON. Does your department send out an investigator to see whether or not the statement of the child or statement of the parent is correct?

Mr. WALSH. We have a truant officer who does that. It is a part of his duty to get at the conditions. And that is confirmed by another man sent out for that purpose.

Mr. THOMPSON. Then you do make up a check?

Mr. WALSH. Yes, sir; as to the hungry part; yes, sir. But we have no means of relieving that.

Mr. THOMPSON. I understand that newsboys and other street trades are licensed?

Mr. WALSH. Yes, sir.

Mr. THOMPSON. Those children are licensed?

Mr. WALSH. How are they licensed? What supervision is there over them?

Mr. THOMPSON. The newsboy license is issued by the board of education, on the statement by the principal that the boy attends school regularly and is of the requisite age, under 12.

Mr. THOMPSON. You mean over 12?

Mr. WALSH. Over 12. A license is issued for him to sell after 6 and before 8 p. m. The other trades, I guess, are licensed in the mayor's office.

Mr. THOMPSON. What supervision is there by any department of the board of education or any other State department of such child?

Mr. WALSH. We have a squad of men to go around the streets to see whether the newsboys are licensed, to see whether they are selling after hours or not.

Mr. THOMPSON. How many men have you got?

Mr. WALSH. Perhaps five. There are, of course, 10,000 police who are engaged in that also, theoretically.

Mr. THOMPSON. How many licenses have been issued for that purpose in this State?

Mr. WALSH. I couldn't say. They are printed in the annual reports. They are issued by the superintendents, 23 of them throughout the city.

Mr. THOMPSON. Do you know about how many are issued each year?

Mr. WALSH. I couldn't guess. I see it from time to time.

Mr. THOMPSON. Does the labor department of the State report to your department of the board of education the names of children whose employment licenses have been revoked during the year?

Mr. WALSH. Not directly. We send one of our men around there once a week to get a list of their names. They did that formerly, but they prefer that we would. One of our men calls for the list and copies it.

Mr. THOMPSON. Do you consider that as an adequate check up of the certificate where canceled?

Mr. WALSH. Well, yes. I say that because the thing is confirmed a little by the census bureau. The census bureau keeps track of all those cases of nonemployment and posts us; that is, of the districts in which they are at work. We have that in addition.

Mr. THOMPSON. What is done in this case where the certificate is canceled?

Mr. WALSH. The boys go back into school. He is treated as a truant—put back into school.

Mr. THOMPSON. Do you know how many children are returned to school who are found with certificates of employment and still are unemployed?

Mr. WALSH. Practically none.

Mr. THOMPSON. Practically none?

Mr. WALSH. Practically none.

Mr. THOMPSON. Why is that the case?

Mr. WALSH. Well, we do not hear of their losing their positions. If we should happen by any accident to hear of the boy claiming he was looking for another job, it is only when the boy becomes a nuisance or is hanging around the streets that we know he is not working.

Mr. THOMPSON. Is it possible under the New York State law to follow up children who have had certificates?

Mr. WALSH. Not under the law as it stands. It should be modified.

Mr. THOMPSON. Has your department, the board of education, or your department in the board of education, or has the board of education itself got any power to follow up those cases?

Mr. WALSH. There is not any way that we can ascertain, in the first instance, where the child is working. In most instances it is among the foreigners, and they always assume we are inquiring for some ulterior motive, and they then will not know how to speak English. But the license ought not be issued to the boy, but to the school. The law makes it his property. If the law should read that it should be sent to the employer only when he has received a job, with the understanding that it is to be returned by the employer back to the school after he is out of the job, that would be much better.

Mr. THOMPSON. Then you would favor an amendment to the law, is that right, in that respect?

Mr. WALSH. Yes, sir; by all means. Just now the principal drops him from the school the minute he asks for his school papers, and takes his books away from him. He puts almost a premium on his absence. The boy ought to be on the books until he has a job, allowing him a certain length of time, an hour or so in the morning or evening, to go and look for a position.

Mr. THOMPSON. Do you believe a central bureau performing the functions of enforcement of attendance laws, taking school census, issuing employment certificates, vocational guidance, and placement, will result in greater efficiency of administration of child's labor laws?

Mr. WALSH. I assume the board should issue it. The temptation is to let them off too easily. I would rather have the outside body issue it; they have to determine the physical condition and they have to keep us straight in those other things. The only trouble is they are a little too strenuous about the birth certificate.

Mr. THOMPSON. The health department?

Mr. WALSH. Yes, sir. A man falls from a ladder and breaks his leg to-day. His family are keeping that child in school. The child is in the eighth grade, and she has to go to work immediately. She goes to the health department. The ages as gathered from the school records will show that she is 15 past.

But she has to send to Russia for a birth certificate, and that is not obtainable. They may be, but it is impossible almost for her to get it, and they have to wait until they send a letter to Russia and give it time for return—a reply in return. The people at the other end do not answer rapidly. They should use a little discretion when there is a condition that makes it essential.

There is a child born on a boat, and they can not furnish a baptismal certificate; but we can show that the child has been in school for 11 years, and she must have been 5 when she went in there. But that does not satisfy them. They stand on the law, which is impractical. There should be a lucid interval perhaps.

Mr. THOMPSON. In other words, you believe that the health department should be allowed more discretion?

Mr. WALSH. I think so.

Mr. THOMPSON. Or should exercise more discretion in the matter of issuing a permit?

Mr. WALSH. I think so. You know the length of time it requires to go to Russia and the conditions in Russia, and a good many of the hard cases come from there.

Mr. THOMPSON. Is it possible or probable that the present attitude of the health department in regard to issuing certificates on this question of age is caused by the fact that so many people try to get children's certificates who are younger than 14?

Mr. WALSH. Yes, sir; that is the case. Some of those people would make affidavit as to anything. But one of the troubles is with this passport business, to start with, where the facts are all there and it is clearly evident that the child is of the requisite age and has gotten beyond the school years required, there should be a little latitude.

Mr. THOMPSON. Do you think that whole matter could be handled better if those various functions which I have stated were put in one central bureau?

Mr. WALSH. No, sir.

Mr. THOMPSON. I mean if the central bureau was taken away from both the board of health and board of education?

Mr. WALSH. I think two things work all right. The board of education issues a certificate that the child has reached the requisite age, and the board of health must pass upon the health qualifications. It works in most instances—

Mr. THOMPSON. Have you any particular views in reference to the educational test, the physical standard, a child should have?

Mr. WALSH. None at all. The child should have those.

Mr. THOMPSON. As they are at the present time?

Mr. WALSH. Yes, sir.

Mr. THOMPSON. Do you believe a child should have the promise of a job or pledge of one before he has a certificate?

Mr. WALSH. The employer would not deal with him in that way.

Mr. THOMPSON. He would not?

Mr. WALSH. No, sir; but he should not be allowed to leave school. The boy can be given a card to state that he has a certificate which will be sent to the employer upon due notice. That would answer it. As it is, the employers do not accept them very much under 16, so that the thing is working fairly well.

Mr. THOMPSON. Have you any opinion or views as to the necessity of part-time education of children in industry?

Mr. WALSH. Well, this allowance of the so-called continuation class to take the place of evening school would be first rate. Those people who were most strenuous against the evening school are now willing to admit it was a serious blunder. A child working all day ought not to be compelled to study at night.

Mr. THOMPSON. How about part-time children in industry during the day-time?

Mr. WALSH. But that would be all right so soon as we can get the schools for it. We are just beginning the tests here now. We have not room enough for the other children.

Mr. THOMPSON. Where are you organizing and what have you done?

Mr. WALSH. School, public school 62 in Manhattan, 27 and 28. The principal has been authorized to start these last two years four courses. One perhaps is a commercial course, and then the other three are in different industries; that is, metal work and electrical work and woodwork. There is to be a nine weeks' course provided for those youngsters to see if they can find the thing that will suit them best, and when that is determined then they will spend the remaining part of the two years in that particular work.

Mr. THOMPSON. Referring to the time, part-time instruction for children who are already working, has anything been done here in this city in that regard?

Mr. WALSH. So far as it has been done, in the department stores, almost entirely; that is, Abraham & Strauss, Bloomingdale, Altman, and so on. The Hotel Astor—I think that is in the evening though for the chambermaids and others to learn English.

Mr. THOMPSON. Has the board of education anything to do with that?

Mr. WALSH. We furnish the teacher and they furnish the room. An hour or two hours a day for instruction. Those are for children not required to go to school. Generally girls.

Mr. THOMPSON. Have you any voice as to what might be done along that line generally by the State?

Mr. WALSH. Mr. Maxwell is studying that and some of my colleagues, and they are so much more intelligent than I am that I am letting them struggle with it, and then when they get through I will find it all right from them and claim it was my own.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions?

Commissioner GARRETSON. Mr. Walsh, I notice you hold that the administration of the department of hygiene is a little strenuous in the application of those laws.

Mr. WALSH. They have to take the thing as they find it, but they could have the law modified I think and could realize that the length of time might be an insuperable barrier. They are allowed a physical examination by doctors, which would take the place of all this.

Commissioner GARRETSON. Has the department in charge of compulsory education in the city, on the other hand, ever been charged by anyone but the employer that wanted the children or the employees or the parents of the child with being too strenuous?

Mr. WALSH. No, sir.

Commissioner LENNON. Mr. Walsh, I want a better understanding of how the children get certificates showing that they passed the educational test. Do I understand that the principal of the school is the first party in charge there?

Mr. WALSH. He is the first party in charge of issuing the school certificate, making the statement that they have been so many days in school.

Commissioner LENNON. Does he make a personal examination, or refer to the records only?

Mr. WALSH. An examination has generally been held in the school, in the district, and he sends his children up on a specified date. That was under the old regulation where they were allowed to get those certificates at the end of the fifth year. Now, at the end of the sixth year, at the age of 16 years, it is not assumed that this examination is necessary, although the certificate still calls for it, because the board of health tests are so very simple that any child at all that has been in the school in the fifth year should be able to pass it. The State law requires that this instruction shall be had in the English language, in geography and so on. We get a class of girls over here from Germany, Austria, Italy, and some of those countries, and some of them are 14 years past and they have completed the elementary school across in their own country and in their own language of course. It does seem kind of a hardship to expect them to take out an employment certificate. Their language is deficient in English, but they have the geography and the mathematics. They may have had the English, and in many cases they have, but the law seems a little severe on them. It is to prevent people in this country from receiving instruction in foreign languages, but it mistreats those people.

Commissioner LENNON. Does the principal assume authority contrary to law to pass them anyhow?

Mr. WALSH. He issues that certificate, I suppose, without very much inquiry, except that the parent makes the statement that the child is very much in need of work, or that the parent requires his services.

Commissioner LENNON. What did you mean to indicate by the children who desire certificates having to go to some certain school to secure the certificates? Is it done by districts?

Mr. WALSH. Mr. Maxwell, to secure a little uniformity, called for this thing to be done in districts. We have 23 districts.

Commissioner LENNON. Yes, sir.

Mr. WALSH. We have district superintendents in charge of each. The district superintendent would designate the school in which the examination was

to be held on a certain date, and he would approve the questions that were to be put at that examination.

Commissioner LENNON. That is the principal at that particular school?

Mr. WALSH. The principal at that particular school would conduct it. He probably would not make the questions, necessarily.

Commissioner LENNON. What power of revision is there at any point in the school system? Has the district superintendent any power of revision over the issuance of a certificate by the principal of a particular school?

Mr. WALSH. Well, I have found some trouble in some cases—that there was not any standard for this examination. I found one principal complaining against the board of health for turning down one of his children, and I think under his own children the child got only 20 per cent in arithmetic and perhaps 30 in English. He made quite a farce of it, because there was not any rule saying that they had to reach a certain point. But this fellow was so troublesome it was anything to get rid of him.

Commissioner LENNON. In other words, it is anything to get rid of the children, because there is not room in the school?

Mr. WALSH. No, sir; because he is a nuisance. The trunk is somewhat of an initiative and some some red blood, and they do not like them. They want a fellow that is chloroformed and who comes to life at—

Commissioner LENNON. I have not found any women teachers that way?

Mr. WALSH. Unfortunately, I have.

Commissioner LENNON. Would you advise this commission to recommend to the cities of the United States and to the several States the adoption of the same kind of a system that you have here as to an educational test before children are permitted to go into industries?

Mr. WALSH. I think it would be safe. I think it works all right with us.

Chairman WALSH. That is all, thank you.

TESTIMONY OF MR. GEORGE A. HALL.

Mr. THOMPSON. Mr. Hall, will you give us your name, your address, and your position?

Mr. HALL. George A. Hall; secretary of the New York Child's Labor Committee, at 106 East Nineteenth Street.

Mr. THOMPSON. How long have you been secretary of the New York Child's Labor Committee?

Mr. HALL. For 10 years, sir.

Mr. THOMPSON. Ten years?

Mr. HALL. Yes, sir.

Mr. THOMPSON. What is the work of the New York Child's Labor Committee?

Mr. HALL. It is a committee of private citizens of New York City and throughout the State interested in the whole question of the hearing of our child-labor laws, both in the statute itself and in its enforcement, and through investigators we make a study of both of these lines of work.

Mr. THOMPSON. Concretely, what do you do? What do your investigators do in regard to the enforcement of the administration laws?

Mr. HALL. Take, for example, the matter of the issuance of employment certificates, which has been under discussion this morning; our committee has in its employ two agents or investigators who give all of their time to the study of this work as carried on by the officials. They are located in the two offices—one in Manhattan and one in Brooklyn—where the larger number of employment certificates are issued. They are there through the courtesy of the department of health, and have no official standing or connection whatever with the department, and have nothing to do with passing officially upon the question. But they are there to assist in any way possible, especially to help untangle the difficulties which may arise with respect to the securing of proper kind of evidence of age by the parents of the children who come for employment certificates.

Mr. THOMPSON. Do they sit with the officers who pass upon those things?

Mr. HALL. They sit in the same room with them, but, as I say, they have no official authority to act upon or reject or approve of the evidence of age, or any other papers presented.

Mr. THOMPSON. Starting first a little out of order, with the question of the certificates of age, did you hear what Mr. Walsh had to say about the rigidity with which the law is enforced in this State?

Mr. HALL. Yes, sir. I heard that testimony, and I should enjoy making some comment upon it and presenting some other evidence which I have upon the subject.

Mr. THOMPSON. Unless you prefer to take it at some other time.

Chairman WALSH. I think maybe right now we will hear the comment on that, Mr. Thompson, briefly.

Mr. THOMPSON. Very well, you may comment on it.

Mr. HALL. The law is somewhat stringent, if you wish to call it that, with respect to the kinds of evidence of age to be presented, and the order in which it is to be presented. The law has been so framed, and the result of experience in this State and in other States in which it has been found that where the lesser kinds of evidence—lesser in value and conclusiveness—are allowable it is usual for the parent to follow the line of least resistance and furnish the easiest kind of evidence, which is usually the poorest kind of evidence. And in States where the law accepts those kinds of evidence or permits them the parents show a strong tendency to put their children to work under age, making the statement that they are 14 when they are not actually 14. In order to make sure that the child is of legal age, the law was made thus rigid. That is the reason that the birth papers are required, that being the best kind of evidence; and if you put all these kinds of evidence on the same plane and let them be alternate the chance is that the child will bring the poorer kind of evidence first.

Mr. THOMPSON. Take the case that Mr. Walsh stated.

Mr. HALL. With respect to the comments of Mr. Walsh, he has indicated that there is a great deal of trouble on the part of children, especially the foreign born, to secure satisfactory kind of evidence of age. That very point has been of greatest interest to our committee, as part of the work of some of our agents has been the making of statistical studies of just that point.

Mr. THOMPSON. Have you those studies there?

Mr. HALL. I have the results of them—a summary.

Mr. THOMPSON. We will be pleased to hear them.

Mr. HALL. We found that, during the year 1913, of 20,000 children who received employment certificates, 74 per cent presented birth-paper evidence, the best kind of evidence; this refers to New York City. And we also ascertained that of this 74 per cent, 29 per cent were foreign born and 71 per cent native born, and it was found that taking the entire number, 64 per cent presented perfectly satisfactory, good birth certificates. That answers, it seems to me, very well the statement that that is a very harsh law, because it requires the birth-paper evidence.

Mr. THOMPSON. Now, just at that point, he said that they were often compelled to furnish these birth certificates and could only get them at great delay.

Mr. HALL. There is delay in some instances, but which can very easily be overcome, and which has been overcome in many instances, through the foresight of the superintendent of schools of this city, Dr. Maxwell, who has made a recommendation or suggestion to the principals that where children are expecting to leave the schools to go to work at the end of the year that they advise them; then, at the beginning of the year to send for their birth papers, if they are to be gotten from a foreign country, and have them ready, so that they may get their certificates from the school when the end of the time arrives.

Mr. THOMPSON. You may go on with your statistics.

Mr. HALL. That, I think, covers on that one point the evidence with reference to this matter all that might be of interest to you now.

Mr. THOMPSON. What have you to say with reference to the conditions for obtaining employment—cities taking up the matter of requirements, educational tests, physical tests, and so on?

Mr. HALL. The educational test, it seems to me, is a matter of the highest importance, especially in this city; and I think, from the words of Mr. Walsh himself, you all recognize the need of just that test and the need of checking one city department on the other to prevent many hundreds of children going to work who have not met the very small and meager requirements of the law. The educational requirements of the law are requirements made on the average boy of 12 years old. The average normal child, promoted from year to year, would meet these requirements at 12 years of age. Those are the same requirements which are made of a child of 14 years who wishes to go to work, allowing him two years leeway for sickness, absence, or other reasons, and those are made the minimum requirements. They are requirements which must be finished—the six-year for all—and the law ought to be rigidly enforced.

Mr. THOMPSON. What have you to say as to the suggestion made that where a child seeks its certificate for employment on the ground of necessity that there should be an examination into the condition of that family?

Mr. HALL. I have no objection at all to that examination; but I do believe very strongly, however, that any situation such as may be represented with regard to the economic stress should not be a ground failure to enforce rigidly the law as to requirements. I believe there are plenty of agencies, both private and public, that are willing to help that family; and if there is the need that is claimed it can be taken care of. But our child-labor committee, which has been interested in this line as well as others, has found by its investigations through trained paid workers that there is not the amount of poverty that is claimed or is alleged here.

Mr. THOMPSON. What have you to say with reference to the physical tests made—examinations?

Mr. HALL. The physical test, it seems to me, is extremely desirable and should be enforced rigidly. I might say our investigations throughout the State showed that it is pretty well enforced throughout the larger cities; it is not so well enforced in the small towns, perhaps due partly to lack of equipment and partly to lack of supervision. There is now a State law which requires the State labor department to concern itself in supervising the work of issuing employment certificates throughout the entire State, and they have now the authority to go in and visit these officers and find how they are doing it and to help improve the work. I think that authority should be exercised to the fullest limit, because we know that in some of the smaller towns the children are receiving employment certificates who have not the proper requirements.

Mr. THOMPSON. You believe the requirements as conducted in this city are sufficient?

Mr. HALL. In the matter of physical tests?

Mr. THOMPSON. Yes.

Mr. HALL. I believe on the whole they are fairly satisfactory. I would like to see very much something established in the way of standards which might be rather uniformly adopted throughout the State. That would require, I believe, a study on the part, perhaps, of a commission of physicians—somebody adequately prepared to take it up from a medical standpoint.

Chairman WALSH. We will now adjourn until 2 o'clock p. m., to meet in this room. If you will come back at that time, Mr. Hall.

(Whereupon, at 12.45 p. m., an adjournment was taken until 2 p. m.)

AFTER RECESS—2 O'CLOCK P. M.

Commissioner LENNON. The commission will come to order.

Mr. THOMPSON. Will you please take the stand, Dr. Steinmetz?

TESTIMONY OF DR. CHARLES P. STEINMETZ.

Mr. THOMPSON. Doctor, will you please give us your name, your age, your occupation, and your profession?

Dr. STEINMETZ. Charles Proteus Steinmetz; age, 49; occupation, chief controlling engineer of the General Electric Co.; professor of electrophysics at Union University.

Mr. THOMPSON. How long have you been connected with the General Electric Co. in your capacity as chief engineer? Tell us about it.

Dr. STEINMETZ. I have been connected with the General Electric Co. since 1893; as chief controlling engineer since about 10 years.

Mr. THOMPSON. As chief controlling engineer, what are you called upon to do by the company, briefly?

Dr. STEINMETZ. Everything in engineering matters which is beyond the scope or province or ability of any other engineer.

Mr. THOMPSON. What is this Union College that you spoke of?

Dr. STEINMETZ. It is an American university, located at Schenectady, and founded somewhere in the eighteenth century; an old-established college.

Mr. THOMPSON. What work have you in connection there, or what chair do you occupy?

Dr. STEINMETZ. I have occupied the chair of electrical engineering since 1902, and since last year I am occupying the chair of electrophysics, which means that I am not able to devote so much time to the college work as I have before, and so have partly retired.

Mr. THOMPSON. Where did you receive your education, Doctor?

Dr. STEINMETZ. In Germany and in Switzerland—Universities of Breslau and Polytechnic of Zurich.

Mr. THOMPSON. In the course of your professional and educational careers, Doctor, have you considered the subject of industrial education or training for the young?

Dr. STEINMETZ. I have.

Mr. THOMPSON. Referring first to the question of prevocational training of children, what kind, in your opinion, ought it to be, and at what age should it begin, and what should be the grades of the pupils?

Dr. STEINMETZ. From my experience as consulting engineer, as university professor, and as past president of the board of education of my home city, I have come to the conclusion that vocational training—that is, teaching of a trade or the rudiments of a trade—should not be a part of the school curriculum in the grades of the public schools, but vocational training should begin after the pupil has graduated from the general education course of the public school, for the following reasons:

In former times education consisted of, and still now essentially consists for the masses of the people, of a general education as given by our public-school system. And it is special training in the trade, profession, or business which the young citizen intends to use in his life work.

Now, the former part of the education, the general education or instruction in all those subjects which the young citizen of to-day must have, and which are necessary before the pupil can begin to specialize in learning a trade, entering a business, or learning a profession. Now, this former, this general education part, has been given and is still given to-day very satisfactorily by the public-school system of the country. I therefore do not believe that there is any call for a reorganization of the public-school system. But the need is, as I shall show, for an extension of the public-school system. There is no call for a reorganization; but, in my opinion, based upon my experience, the public-school system or the grade schools of this country as represented by the better class of school organizations in those States where there is a reasonably efficient educational law, as in this State, in those cities where there is a reasonably efficient educational system, as in my home city, under those circumstances I do not think there is a possibility of a radical improvement in the general educational system; but this system, in my opinion, is, in general, entirely satisfactory; which naturally does not exclude that modifications and improvements should be made and will be made from time to time, and are being made.

For instance, some of the improvements needed in our general education system are, first, an improvement in the quality of the teaching staff by providing a more appropriate remuneration for the teaching staff, and thereby attracting a better and a higher grade of intelligence to the teaching in the common school.

Second, extension of the physical-welfare work. In short, a greater attention paid to the physical education of the pupil, comprising physical exercises on playgrounds and athletic fields and medical supervision and inspection. While this was not necessary in the bygone days of rural communities, in the colonial or postcolonial days, now, where the majority of the population is living or collecting into cities, the physical education of the pupil is becoming of increasingly great importance, and increasingly greater effort should and must be made to look after it, as equally important, if not in some cases more important, than the intellectual education.

That such improvement, in my opinion, is necessary is to more systematically introduce in all public schools within the grades, and not only in those which are more advanced, manual training and domestic science.

Now, I wish to expressly call your attention to the distinction between manual training and vocational education.

The purpose, as I understand it, in vocational education is to prepare the pupil for a trade or teach a trade, while in manual training what we endeavor to do is to give the pupil familiarity with the common tools of modern industries and enable him to drive in a nail straight without hitting his finger, and it enables a girl to bring a pot of water to boiling and know when it boils, which is not so well known to most of them.

Now, this manual training and domestic science is of importance to all pupils and should be mandatory, but especially of importance to those who do

not go into trades and professions—to the clerk and to the office man who has no chance afterwards to learn the handling of tools.

Therefore it is not of the character of vocational education; it is manual training.

Now, this should be placed in the grade schools and should begin in the kindergarten with the simplest manual-training exercises—paper folding, the use of scissors, with paper instructions, materials, and gradually extended through all the grades.

But vocational education, the preparation and teaching of a trade, does not, in my opinion, belong to the grade school.

Now, the public-school system has been severely criticized by a number of people under what I consider a very shallow song, for the reason that the graduate of the grade school has learned very many things, but has learned nothing whereby he or she might earn a living. Now, that is true, but the practice of general education of the grade school is not to enable the pupil to earn a living, but is to enable the pupil to begin to learn a trade or profession or business whereby he would be enabled then to earn his living.

Now, the second part of the education, then, consists in the learning of a trade, etc. Now, this second part has been taken care of in former times by private interests in the form of apprentice boys and similar education methods. By the constant development of modern industry, this apprentice clause, and with it all the chances of this second private education, have been wiped out, and this unsatisfactory situation which confronts our society to-day is not a failure of the general education system, but it is the collapse by the corporate industrial development of the special training and preparatory work for trade or profession.

Now, in my opinion, here, as in all cases where private enterprise fails, it is the duty of the community or society to step in and provide what private enterprise can not do or has become incompetent to do; that is, provide the means of educational training, or the teaching of an industry, but that must not be begun in the grade schools and during the time provided for general education.

The learning of a trade has been successful in following the general education in former times, and so it must remain, because the time devoted in the grade schools to general education is altogether too short to-day, and to sacrifice more of this time to teaching a trade or profession would be, in my opinion, suicidal, and therefore I am of the opinion that vocational training and industrial education should follow the education work in the grade schools and should not enter into a grade school at the sacrifice of the educational and manual training and domestic science, which are a part of modern general education and belong to the grade schools.

Mr. THOMPSON. Now, Doctor, it has been testified here by other witnesses, particularly Dr. Richards, that the vocational training should not be deferred until after the grade schools are finished, for the reason that the economic pressure is so great after a child passes the age of 16 that they would not be able to devote the time to vocational education necessary because of the need of earning a living. Would that affect your testimony; if it is a fact, would that alter your opinion in regard to what you have said?

Dr. STEINMETZ. No; it would not. First, it appears rather strange to-day, where all over the effort is being made to find some way where the hundred thousands or millions who have nothing to do, have no work, may find something where they can occupy them in doing work. We would do better to take care of that than to prate about the young people not having enough time to get an education.

Now, there is plenty of time for it, and we must get the time. Now, the time is there, and we think there is rather more frequently time when the surplus of labor, the surplus of available time on hand of the masses of people who work and have to work than a laxity of it.

In short, the times where there is a scarcity of available labor are much rarer than the times when there is a surplus. Now, it is argued there that the children can't get the proper education, because they have to go to work and earn their living. Now, first, there are the parents, and, second, there is society, which is eminently interested in having the citizens efficient and competent; and, third, it is not in the interests of society to turn out incompetent, unskillful, inefficient citizens, merely to save a year or two in the preparation by leaving them incompletely prepared.

The same argument may also be made against the eight-hour labor day, because if we get everybody to work 10 hours we can turn out so much work, and

Industrial pressure is not so high any more as against 10 hours, you might say 12 hours, and you can extend that in the same argument, the same intelligent reasoning can be applied, to say that half or the majority of people should be locked in the factories, in barracks, should be fed there, and the men sent to work and come back again, because then they can turn out the most work. Now, that is all very nice, but, after all, we are all human beings, you and I and all the other people, and they have some rights as human beings, and industrial rights and other rights are really secondary to the rights of human beings.

Mr. THOMPSON. Well, Doctor, in case there was such a thing as an economic pressure and these boys 16 years of age, and they were under the compulsion to earn or partly earn their living, how would you have society meet that necessity of the boy or girl?

Dr. STEINMETZ. I agree that at a certain age the children, the young people, have to begin earning their living, and the age may vary, depending upon the social condition of the unfortunate. The rich man's son might well afford to go without earning his living up to 25 or so, while the poor man's son to-day has to start earning his living at 14 years of age, though I would make such concession that at 14 years of age under certain conditions the young people are permitted to devote a part of their time to earning their living; but at least up to 18 years of age they should remain under the control of the educational system.

Mr. THOMPSON. But how would you provide, Doctor, for the sustenance or maintenance of the young people who, say, have passed the age of 16 and who were not able to earn enough and go to school and get their vocational training? Would you have the State, have society as a whole contribute toward their support?

Dr. STEINMETZ. The contribution by society, by the State, is fair, and will undoubtedly come in the future. But considering only immediate possibilities, I don't think we could consider yet the feasibility of the idea that society should contribute for sustenance of the pupils, but I would allow the pupil at 14 years of age to go and accept employment and earn their living, or as large a part thereof as possible, provided that employment is such as to contribute to some extent to their education, and provided also that a part of their time is still devoted to education. In other words, I would make a law that the school age extend to the completed eighteenth year of the pupil, but that at 14 years of age those pupils which can show that their parents or they themselves need the income, which can bring a certificate from the superintendent of schools showing that they have passed a certain definite minimum grade, which can bring a certificate from the health physician, showing that they are physically fit to enter industries, then they would be free to enter employment, with a limitation that during the week a certain number of hours, say, five, as a minimum, must be set aside for educational work; that the employer must agree also, and also that that employment must be of a kind approved by the school system of the location.

Now, I believe this is feasible, and is no serious hardship. It gives the employer all the time of the employee with the exception of, say, five hours, and limits the employment to a very moderate extent, including only such employment as drudgery and as unintelligent piecework, which is not justified.

Mr. THOMPSON. Doctor, calling your attention again to some testimony we have had this morning, two things have been stated. One is that the limitation of the hours of child labor in this State by law has lessened the desire for the labor of children for the work, that children are not as desirable as help in industries, and in addition that in the opinion of the witness many children are under a great compulsion, say, by the time they reach the age of 16, to support themselves. Now, under your system, under your views, as expressed, the children would be limited in the places they could get, and, in addition to that, they must still be under the need, however, of earning their living. Might not that create such a condition as would prevent the working out of the scheme you have in mind, those two factors?

Dr. STEINMETZ. Yes, sir; it might in some cases, but there is one serious difficulty in such a scheme.

Yes; it may in some cases. There is one serious difficulty with such a scheme where it is applied for the age from 14 to 16 years, that the limitation or exploitation of children, by requiring them to leave industrial work for five hours during the week to get education, this is a serious inconvenience to the industry; and as far as possible there is and will be a tendency of the

employers of young people to avoid employing children from 14 to 16 years of age. Therefore we may have a very admirable law stating that children from 14 to 16 years of age shall not be exploited without any recourse, but when employed they should get five hours a week of general education, should not be employed more than eight hours a day, etc.; but the result would be that these children would not be able to find any employment, because the employers would prefer people above 16 years free from these limitations. This I realize; that is the very reason why I believe that such a law when applied to the age from 14 to 16 would fail, while it would succeed when applied to the age from 14 to 18. If you include in these restrictions young people from 14 to 18, that means that the industries must either not use any young people at less than 18 years of age, or must submit to what little inconvenience is connected therewith. Now, while it is no serious difficulty to the industry to omit employment of children from 14 to 16 years of age, there is such a wide field of useful work which young people from 14 to 18 years of age can do at a price and at a cost that is much less than what possibly would be acceptable to employees of over 18 years of age that it would give very different results. So that by placing the dividing line at 18 years of age, in my opinion, the economic advantage to the industry is in favor, in most cases, of employing children from 14 to 18 years of age with those restrictions which I mention, rather than employing young people of over 18 years of age without restriction. The difference in age is accepted or the four years' difference in age is sufficient to give this economic advantage, which would not be given between 14 and 16 years. And that is, in my opinion, the reason, the economic reason, why such a restricted child-labor law should be extended from 14 to 18 years and not to 16 years, because in the former case it is economically feasible from the point of view of the industry, while in the latter case it is not feasible, but would merely deprive these children between 14 and 16 of industrial employment.

Mr. THOMPSON. Have you taken up the question of the training of the young in the industries by the industries themselves, and have you given that any attention?

Dr. STEINMETZ. Yes, sir; I have. As you know, there is a very strong tendency to-day in the larger centers of population to establish trade apprenticeship schools and corporation schools. There is a national society, and has been the National Association of Corporation Schools, of which I have the honor to be the vice president. So that question has been very strongly discussed and considered, and many industries are operating corporation schools and are operating apprenticeship courses. It must be considered that modern corporate industries are based on extensive division of labor, and that in an apprentice course, which of necessity must combine various classes of labor, they have relatively short intervals. Such a course has no place in modern industry, and can not be combined with modern industry; but is inherently of the outside; is some philanthropic institution—a measure whereby the corporation endeavors to train skilled workmen, but not a part and which can never be an integral part of the corporation. There are, in my opinion, three different methods by which the second part of the education of the average citizen—the training for a trade, business, or profession—can be accomplished. The first is by the independent vocational schools or industrial schools, such as those a number of which have been established in various States and have operated very successfully.

Now, the establishment of such independent industrial schools is very desirable; but it, in my opinion, can solve the problem of industrial education to a very limited extent only. In those industrial schools the pupil does not get any pay, but must support himself in spite of working without any pay nevertheless. The industrial school, as far as I can find out as to any I have investigated, does not pay for itself, but has to be supported. Now, it is rather difficult, practically impossible, to establish industrial schools and support the pupils during their industrial training for those hundreds of thousands or millions which year after year require industrial training; and that limits the industrial school. The industrial school now operates by carrying out industrial education without being in the industry, and therefore it is extremely inefficient and that is its limitation.

Now, the second method in industrial training is the apprenticeship course of the industrial corporation. Now, this is somewhat more efficient economically, but the experience with such apprenticeship schools in our corporation or our company, although our company operates and has operated an appren-

tieship course since very many years, and I am wholly familiar with it, the experience is that the pay which can be paid to the apprentice is extremely low; so low, that as a rule, there is considerable objection, apparently justified, from labor unions and others against working for such a low pay.

At the same time the work of the apprentice does not pay, due to the relatively short time which the apprentice can be kept at the same class of work; the short period which he can use for his acquired skill is not sufficient to pay for the loss in giving him the skill. Furthermore, it is due to the interference or inconvenience of this whole matter of operation in these schools where the apprentices do a little of all kinds of work, while within the big corporation there is a strict subdivision of labor. And that again makes the apprentice school rather inefficient, so that even at the low pay given the apprentice, economically it is not a paying proposition for the corporation. Therefore it is undertaken and can be expected from the corporation only for the purpose of training a larger number of skilled workmen; but not as a part of the regular business. While the old apprenticeship system of course in the days of small production was productive, the apprentice in early days paid by his work for his keep and whatever he earned, and a great deal of it was profitable then. Now, it is not any more. So you see this is another limitation. But to induce private corporations to maintain and extend apprenticeship courses, some inducement will have to be made to the corporations to go into that; and I believe the inducement could be by recognizing these apprentice courses as continuation schools.

In short, by accepting the apprentices as coming within the line of the pupils from 14 to 18 years of age. Under such supervision naturally which would guard against abusing this privilege. Now, the third method of taking care of industrial training is by allowing the pupil between 14 and 18 years of age to enter the industry with some limitations, which I will point out, by retaining school control over him up to 18 years of age, providing a limited number of hours of educational work for him during the week.

Mr. THOMPSON. Doctor, how would that school control be maintained over the pupil in one of these corporation apprentice schools that you speak of?

Dr. STEINMETZ. Either five hours a week of schooling would be given by instructors or teachers of the public-school system of the city—that means that these boys or girls are withdrawn from the factory or shop during five hours of the week to the schoolhouse; or, if so desired, the factory or industry combined may provide a teaching staff giving those five hours of instruction. This teaching staff, however, should come under the same rules and qualifications as those teaching in private or parochial or other schools that are not operated by the public-school system.

Mr. THOMPSON. In regard to the vocational work or training as apprentice that he would receive, that would also be under the supervision of the educational authority?

Dr. STEINMETZ. Where the pupil that is employed in an industry between 14 and 18 years of age I do not believe it is advisable or feasible to have the public-school system to control and take supervision or control over the vocational system, except to the extent of approving or disapproving of whatever class of employment the boy or girl enters, which must be reserved to the school system so as to guard against entering an employment where the boy or the girl can learn nothing. But there a very wide field must be left open, and the control is not advisable, because it would mean the public-system control of private corporations and private industries, which is not feasible yet.

Mr. THOMPSON. Now, Doctor, with reference to the vocational schools and the training the children receive thereby, would you provide for the control of those schools by the school boards which already exist, or would you have boards consisting partly of educators and partly of employers and partly of workmen?

Dr. STEINMETZ. In my opinion the only feasible way and the only way which would not, in my opinion, very frequently lead to abuses much worse than the present condition is to place the educational work which is paid for by the community under one organization—our present educational system. Now, in conducting vocational schools our boards of education, our educational system, should be assisted by an advisory board or supervisory board, if you want to, taken from the industry—from employers and employees—but to have divided authority in educational matters would very frequently be fatal to the success of the educational system. There are very many places in this country—I refer to such as the many little towns in New England and all those small

industrial places along the Mohawk Valley, where the municipal administration is practically controlled by the local industry—where the local industry is owned by outside capitalists, so that the only principle there that is carried on is the local manager receiving orders from the headquarters in New York to economize and to increase the dividends, which means that the political system of those villages and municipalities is controlled by the industry.

Now, then, if we establish a secondary educational board consisting of both employers and employees, then either the employee's representative is really not the representative of the employee, in which case there will be a continuous disagreement and conflict, or the employee's representative, as is very commonly the case, are workmen from the ranks, nominated by their employers or the municipal authorities, favorable to the employers, and nominated because they are willing to approve anything that their bosses desire. Now, that would mean then that you would have an educational body under the control of the industry, which has the power to withdraw from the public school a great many of the pupils by carrying on this industrial education under conditions which usually would be unfavorable to general education and where an educational law is a step necessary to protect against abuses. In such cases the double educational government would just tend to throw the control of the educational system into the hands of the industry against which you want to protect the children from exploitation. For that reason I believe that the educational system of the country must be in charge. Furthermore we all know that political government is political, is changing, and very often of questionable character in all municipal, State, and national activities besides the Army and Navy.

The educational system of the country is that which is least affected by politics, because while the average citizen is more or less used to politicians playing with him, there is an inherent sentiment of the public at large against tampering with the educational system—with the schools. Therefore, in most places the schools and school organization is the strongest of all public organizations and least affected by politics in its unsatisfactory sense; and, therefore, if we can bring this improvement, the vocational education, under this one organization which will render it least under control of politics, it is a very great step again.

Mr. THOMPSON. Doctor, should the establishment of vocational schools be compulsory? And make your answer as brief as you can, Doctor.

Dr. STEINMETZ. To accomplish anything you must have an educational law requiring that between 14 and 18 years of age the children must remain under school control and receive a certain number of minimum hours of education; or if they can not find employment, spend all of their time under the educational system. Now, that means that we must provide educational facilities therefore, and so you see, as a matter of course and of necessity, an educational law extending the control of the school over the children from 14 to 18 years, such an educational law also requires compulsory establishment of continuation schools and provisions for vocational schools in whatever form they may be established. In many cases—

Mr. THOMPSON (interrupting). Well, Doctor, you are in favor of compulsory vocational schools?

Dr. STEINMETZ. Yes, sir.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner LENNON. In regard to the part-time schools, or the continuation school where the pupil will come five hours a week or more under the school system, what would you advise they should be taught during those five hours? What kind of instruction should they receive?

Dr. STEINMETZ. General instructions. That is reading, writing, arithmetic, etc.; but laying special stress on those branches of education which are especially important for the pupil's proposed trade.

Commissioner LENNON. Not the technique?

Dr. STEINMETZ. Not technical.

Commissioner LENNON. Of course it is not necessary to ask you, but you know the progress that has been made in some of the German cities regarding this vocational training or education. Is it not possible in this country, in your opinion, to approach something of the system of Munich or some of the other cities of Germany?

Dr. STEINMETZ. I am not so certain. I rather question whether it is advisable in this country to copy the old country, because the old country is established for such a long time, so that there the progress is only the progress of the population; while here we not only have to provide for the increase of popula-

tion, for the increasing and changing industrial requirements, but we have to create the very foundation. To illustrate, school-teachers: Here we have to educate not merely the additional school-teachers required by the increase of population but have to educate all of them, because the schools here are relatively still new.

Chairman WALSH. That is all; thank you, Doctor.

Doctor, was there any suggestion that you think you would like to make to the commission now that has not been developed by the questions? If so, we would be very glad to hear any suggestions you may have on this subject.

Dr. STEINMETZ. Now, the only suggestion which I would like to make is this: If in such vocational schools the supervision is under an industrial board which is advisory to the public-school system, this industrial board should consist of employers and employees. But in this case the employers represented there should be selected so as to be acceptable and satisfactory to all of the industries in that territory; and the employees should be selected by the employees and not nominated by the political organization which may be under control of one or the other; but they should really represent the employees. Their representative must be selected by their employees' organization—that is, by the unions or their trade assemblies. Otherwise we might just as well leave out the representatives of the employees, because even if they are chosen as such representatives fairly they would still be open to the accusation that they have not been selected by the employees and are therefore not proper representatives.

And the other suggestion I would like to make and draw your attention to, is the situation that this industrial development of the educational system of the country and training—perfection—has utterly collapsed. You still have the general education system on a better foundation than ever before, but the training in industry, but the trade—training in industry and trade—has utterly collapsed and can not be restored, and it now needs the efforts of society to place something under public control. That is extremely important, because I have no special training; the large majority of people which grow up, grow up without any trade or profession; that is, as far as the educational system is concerned, they are unskilled workmen. That is a very bad situation, more serious to-day than ever before, because we must realize that there is to be a very considerable dissatisfaction throughout the entire country; the masses of the people begin to ask to share in the Government. Now, we all realize that American Government has always been government by a small minority, consisting of a few intellectuals, a large number of property interests, and those men which have made public administration their business, and which we call the politicians or bosses; if we disagree with their views it is bad, but we are statesmen and leaders if we agree with them.

Now, at the present time the large majority of the people which have not taken much interest in former times in the Government of the country are beginning to take an interest in it and insist in participating in the Government. It is naturally—it is a matter of necessity—unavoidable. If such a very large majority desires to have something; so we will get some time a democratic Government, where the masses govern the country. It depends upon us.

Chairman WALSH. Thank you very much, Mr. Steinmetz.

TESTIMONY OF MR. GEORGE A. HALL—Recalled.

Mr. THOMPSON. Mr. Hall, when you were last on the stand we had concluded the question of the physical test of applicants for employment certificates. Have you anything to say with reference to the conditions under which such certificates should be issued to children, as regards to whether they should be issued simply on the request of the child or whether they should be issued after some persons have pledged a job to the child?

Mr. HALL. I believe the parents should in all cases come with the children to make application for the employment certificate, to signify that they approve of the child going to work. But beyond that I do not feel that, in our larger cities, at least, it would be wise to exact a pledge of employment, special employment, before the child receives an employment certificate. I can conceive in a smaller town, with 100 or 200 people, that the issuing authorities might have no difficulty in knowing the employers and the employees, at least their names, but I can not conceive in larger cities, like New York and Buffalo, or even the second-class cities, I can not conceive of the issuing authorities being able to say whether or not the pledge brought is a bona fide pledge from the

name or from the signature of the person. Therefore I conclude very strongly with Dr. Baker's views this morning, that it probably is not a wise plan for New York State.

Mr. THOMPSON. You recall another question to my mind, which Dr. Baker touched on this morning, that, in her opinion, neither boys nor girls should be permitted to go to work until they are 16 years of age; between the ages of 14 and 16, that stage of their development, that it was not wise to have them work. What is your opinion in that respect, if you have any?

Mr. HALL. I feel that is largely a medical question, and a physician like Dr. Baker is better qualified to answer, but my general impression coincides with her view. I feel, perhaps, that it would be unwise to jump from a minimum of 14 to 16 or 18 without a gradual process, and I am rather inclined to favor increasing the educational qualifications rather than the minimum age. I think it makes a better argument, both for the child and for the public, to feel that they are getting more education, and taken say, through the course, until they are 16 or 18.

Mr. THOMPSON. From your study of the issuing of these certificates, have you any opinion as to whether or not a centralized bureau, combining the different elements that have been mentioned here to-day, would be better than to handle it by the three departments that it is now handled by?

Mr. HALL. I do not understand that in New York State, at least, three different departments handle the issuing of the employment certificates.

Mr. THOMPSON. They handle the question. The first two issue the certificate for educational qualifications; then comes the medical department, which makes an examination mentally and physically of the child; then comes the State department, which looks up to see whether or not children in industry have the proper certificates.

Mr. HALL. I feel that the New York law in that respect is a large one, as was expressed this morning by Mr. Walsh. It is responsible to have one department check another in those matters, and there might be, perhaps, some opposition, for example, to having the employment certificates issued by the school authorities on the ground that some of the schools—public schools, private and church schools—might object, and I think that there are various reasons why the present plan is the best plan, at least, for New York State.

Mr. THOMPSON. Did you hear Dr. Richards's views as to training children for industry?

Mr. HALL. I want to express my fullest approbation of his sentiments. I do not think I can add anything to what he said this morning. In fact, I fully concur in what he said.

Mr. THOMPSON. Is there anything else that you want to say?

Mr. HALL. I want to emphasize my own personal feeling, and I believe the feeling of the child-labor committee, in opposition to any amendment to the law which would allow the discretionary authority being vested in the hands of the law-enforcing officials. I feel very sure, in the matter of issuing employment certificates, for example, that the officials at the department of health do not want any such discretionary authority vested in them. It would be a burden day and night to them—the pleas for exceptions which would be made for all sorts and classes of people. I feel the more discretionary authority, oftentimes, the less the enforcement. So I feel that a rigid law is better, even though it does pinch in a few instances.

I want to add, also, to the record these facts:

The official reports of the New York State Labor Department for 1913 show that the inspectors of that department found at work in factories some 12,052 children in Greater New York; that the inspectors of the Mercantile Bureau Division within that department found something like 5,671 children at work in mercantile and other stores, all of those in New York City, and children under the age of 16, making a total of 17,723, or thereabouts.

The figures of the board of health—department of health—in this city show that for the year ending December 31, 1913, there are outstanding certificates—and by outstanding employment certificates I mean all that have not become invalid because of the child having reached the age of 16, so it covers most of the time of two years, but between 14 and 16, counting those whose certificates have not expired by the time they became 16, that total number outstanding certificates at the end of the year, December 31, 1913, was, according to the records of the health department, 61,345. The labor department found that there were working in factories and stores something in the neighborhood

of 17,000, and a little more, which leaves, roughly, a balance of 43,000 unaccounted for.

Chairman WALSH. How many?

Mr. HALL. Forty-three thousand. The question is, What has become of them? I think it is a very serious question, and one I have not been able to get any answer to, and I would like to get any information from any of the officials here on that point to-day.

Mr. THOMPSON. Do you believe in that regard, in regard to that very question, that what has been stated by some of the witnesses heretofore—I can not recall which ones—that the certificates should be filed with the school and not given to the child or given to the employer, but that cards be given to the child stating that the certificate is on file and stating where it is, and that then the employer should be under obligation to notify the school where the certificate is upon the termination of the employment of the child?

Mr. HALL. I think that is a matter of machinery, largely, but I do not see how it would be feasible to require the employer to return the card or the certificate, because there are so many employers in this city who are either ignorant or indifferent to laws of that kind, and the technical procedure of that sort, I believe, would not be followed in a large number of instances, and in order to make it effective you would have to penalize the employer, and it seems to me very doubtful whether our courts would convict in prosecutions of such a technical nature.

Mr. THOMPSON. Take instances where it should be left with the school; what have you to say as to that?

Mr. HALL. I have no objection to leaving the certificate with the school, but I believe there is another way of reaching this question of the child, whether he has left his employment. In the first place, the department of labor inspectors, as they go from factory to factory, from store to store, could get the names of those children who are employed illegally and who are, therefore, discharged; those names can be readily transmitted to the educational department, and the children can be looked over and returned to school. The children who leave before inspectors get there, it seems to me, they would have to be looked up in their homes in the census, or by the investigators, and I think that is one of the functions of the educational department.

I can not refrain from expressing my own personal amazement at some of the sentiments expressed by one of the men representing the department of education this morning. I think it is an affront upon the good intelligence of the citizens of this city that we have had in charge of the work of enforcing this law one who expresses the sentiments he expressed here this morning, and if it were not for the fact that that has been taken out of his hands and goes into the hands of a new bureau, I would like to enter even a stronger protest.

Commissioner LENNON. I would like to ask Mr. Hall if he does not believe there is a social responsibility for those 43,000 children that we have no record of? What has become of them?

Mr. HALL. I feel certain—

Commissioner LENNON (interrupting). That we must find some way of taking care of them.

Mr. HALL. I feel certain, and that is where the scheme that I had of the continuation schools comes right in.

Commissioner LENNON. What you told us as to here applies all over New York—the same laxity of insisting that children be put to the educational test required by law applies all over the State, as it seems to apply in the city of New York, according to Mr. Walsh's testimony?

Mr. HALL. Our investigation in the different cities seems to uphold that same condition in many of the cities. I will not say all of them, but a large number of them.

Commissioner LENNON. Well, are you prepared to assign a reason for that? What is the matter? Don't they believe in the law? Is the law inapplicable?

Mr. HALL. I can only suggest the reason which was suggested by Mr. Walsh this morning, that they consider the children nuisances and want to get them out of their schools.

Commissioner GABRIELSON. Mr. Hall, do you believe that any law could have any value—that is, one covering this phase—if it was to be set aside every time that the parent asserts that there is economic necessity for it without going into the facts?

Mr. HALL. I don't—

Commissioner GARRETTSON (Interrupting). Should not the facts be known in every instance before the certificate is granted when that is the assertion?

Mr. HALL. I don't know whether I would want at this time to say that the granting of the employment certificate should be based solely—not solely, but in part, at least—upon an investigation that might be made into the economic needs of the family, as to whether or not the child should go to work and the earnings were needed?

Commissioner GARRETTSON. But where that constituted the assertion upon which the request was based, would it not be well to determine whether it was true or false?

Mr. HALL. I think it would be very well to determine it; yes; but as to making it the deciding or controlling factor, I question the wisdom of that.

Commissioner GARRETTSON. Could any law be a success if administered by those who have no sympathy with its object?

Mr. HALL. I don't see how it could.

Commissioner GARRETTSON. Could these cards be surrounded—that is, considering this situation which is stated, where 43,000, I believe it is, there is no record of—could those cards be surrounded with a provision such as surrounds a probationer's card, that the holder of it must report to the schools at intervals or if employment ceased?

Mr. HALL. I think it might be a method worth trying. I don't know how well it would work out.

Commissioner GARRETTSON. Of course, there would be difficulty in many instances in applying discipline, but would it narrow the circle surrounding these lost numbers?

Mr. HALL. I think if you had sympathetic officials in enforcing the law it would.

Commissioner GARRETTSON. What is the general impression as you find it in regard to the application of the law governing, for instance, that department of the health machinery known as the hygiene department, that it is well administered and properly conducted?

Mr. HALL. I think, generally speaking, there is approval from all sides regarding the enforcement of that law, except from those who would like to see exceptions made.

Commissioner GARRETTSON. Except from those who have an iron in the fire?

Mr. HALL. I think so.

Commissioner GARRETTSON. Does the same sentiment exist in regard to the application of the compulsory educational law?

Mr. HALL. I can't say that it does.

Commissioner GARRETTSON. That is all, Mr. Chairman.

Chairman WALSH. That is all, thank you, Mr. Hall.

Mr. THOMPSON. Is Mr. Gernon here?

TESTIMONY OF MR. JAMES L. GERNOX.

Mr. THOMPSON. Give us your name, your address, and your occupation.

Mr. GERNOX. James L. Gernon; chief mercantile inspector in the department of labor; age, 47.

Mr. THOMPSON. Your address, New York City?

Mr. GERNOX. 381 Fourth Avenue.

Mr. THOMPSON. Can you tell us, Mr. Gernon, the scope and authority of the labor department with reference to the question of the administration of the child labor law of this State?

Mr. GERNOX. Yes.

Mr. THOMPSON. In your own language and briefly.

Mr. GERNOX. The department of labor makes inspections and ascertains whether the children are under or over 14. If under 16 and between 14, they want to see the employment certificate issued by the board of health, and if there is none, why there is a record made of each instance where the child is employed without the certificate.

Mr. THOMPSON. Mr. Gernon, how long have you been chief mercantile inspector of the State?

Mr. GERNOX. Six years in October.

Mr. THOMPSON. How many inspectors have you working in this city?

Mr. GERNOX. Twenty now. In this city?

Mr. THOMPSON. Yes.

Mr. GERNON. We have 20 in all, the first and second class cities of the State. There are nine cities, three first class and six second class.

Mr. THOMPSON. Have you got any working exclusively in New York City?

Mr. GERNON. Yes.

Mr. THOMPSON. How many?

Mr. GERNON. Probably 15.

Mr. THOMPSON. Now, Mr. Gernon, the mercantile department or branch, what kind of establishment does that cover?

Mr. GERNON. It covers all mercantile establishments, business offices, hotels, restaurants, and apartment houses, and in the distribution and delivery of goods, telegraph offices, etc.

Mr. THOMPSON. Covers pretty nearly everything except factories?

Mr. GERNON. Yes, sir; so far as child labor is concerned.

Mr. THOMPSON. Are your inspectors able to cover the city of New York in the mercantile line in any given calendar year?

Mr. GERNON. No, sir. It is questionable whether we have been able to cover it in six years. We feel now we probably have covered most of the places, but it is very questionable because we can not do our work in any systematic manner owing to the inadequate force.

Mr. THOMPSON. Then, of necessity the check-up which your division makes of that question must be more or less loose, is that not so?

Mr. GERNON. Well, not loose, but it is not complete.

Mr. THOMPSON. Inadequate?

Mr. GERNON. Yes. We never pretend that we have covered the work thoroughly.

Mr. THOMPSON. What remedy would you suggest in that connection, the employment of more inspectors?

Mr. GERNON. Why, certainly, and a little better law.

Mr. THOMPSON. In what respect would you have the law improved, in your opinion?

Mr. GERNON. Well, do you mean in relation to child labor?

Mr. THOMPSON. In relation to the checking up of the employment of children in the mercantile industries of this city?

Mr. GERNON. Well, under the present law we can not check the children up. If I could give us sufficient help, it is only a question of having enough inspectors to cover all the places within a given time. Even if we were to be able to cover it within a given year, in a calendar year, it is questionable whether we would get all the children. This is a big problem and there are many phases to it, but we find so many people who pretend to be in sympathy with child labor and who really are not; we might in that respect take our magistrates. Most every one of them will profess that they believe in the elimination of child labor, but when these cases are brought into court before them, why they demonstrate their feelings. If we had a sufficient number of inspectors, even with the present law, we could check up all the children. The labor law relative to child labor, in my opinion, should be greatly improved, and I say this from experience. And later on I can tell you something about where the 43,000 children are that are missing.

Mr. THOMPSON. Well, in reference to the improvement of the law, Mr. Gernon, what improvement would you suggest that you spoke of?

Mr. GERNON. Well, in the first place, from actual experience in talking with—I won't say how many, but it would be a thousand easily—merchants in this State, they tell me that the child is not fit for their occupations. They mean the child who comes from the average school of the State. This does not only apply to New York, but it applies to all other cities in the State. In my opinion, the school curriculum is not sufficient to fit children for industries, and I am eliminating the question of the factory and simply giving my views as to the mercantile establishments, which I am probably better able to speak of than the factories. Now, if this is true it is a very serious charge. It is not a charge that I make, but it is the testimony of the merchants of this State, and if it is true it is a very serious matter. I would say from my own personal experience the children that come into our office that in the main it is true.

Mr. THOMPSON. What is the form that this charge takes? In what, generally, do people say that the children are deficient?

Mr. GERNON. They say that if the child is used as a sales person it is not capable even of making out a simple sales check. In fact, some of the stores are

conducting schools to remedy the defects of the public schools. Then again the public-school system has established a continuation school in several department stores in the city.

Now, if a child at 14 who may go to work is not sufficiently educated, the sooner the State makes up its mind to keep that child in school until it is educated and fitted for industry the better it will be for the community. In this connection I would like to say that there are approximately 65,000 children in the State of New York who leave school before they reach the eighth grade or before they have the simplest kind of an education.

Mr. THOMPSON. In a year?

Mr. GERSON. In any given year.

Mr. THOMPSON. You agree, then, with the previous witness, Mr. Hall, when he stated that he believed there should be a higher educational policy requiring more children to have a certificate of employment.

Mr. GERSON. Yes; I believe—I believe personally from my own experience, and I have watched it very carefully—I believe that we should take the step immediately and prevent the children from entering employment until they are 16 years of age, with the idea of keeping them in school until they are properly educated so far as a child can be of that age. And, again, it might be well to say they can not enter employment until they have passed the elementary school or graduated from the elementary school, which in some cities of the State would mean they would be in school until they are 16 and in some instances later.

Mr. THOMPSON. Dr. Baker, when she was on the stand, stated she did not believe children should be permitted to work until they are 16 years of age, because of the physical reasons, and Dr. Hall stated that he would not make an age limit, but he would make a higher educational qualification, which of necessity would raise the age limit.

Mr. GERSON. Well, I agree with Dr. Baker. It is generally supposed by magistrates and others that the employment in mercantile establishments is just ordinary employment, that it does not require much labor, but we find from the loads that these children have to carry that they need to be physically fit.

Mr. THOMPSON. Then you would make an arbitrary age limit?

Mr. GERSON. I would make an arbitrary age limit of 16, and I would go further and prohibit the employment of children in any industry that did not show a future. That would eliminate the grocery store, the butcher store, and the likes of that who employ children simply for cheap labor. There is no future for the child if it is unfortunate enough to go into the grocery or butcher store. It works for a few months, or maybe a few years, and if it stays a few years at the expiration of the few years it asks for more money and then there is another child employed, and this poor unfortunate drifts along and, after awhile, we find him making up the congregation which stands on the corner idle without employment, has no education, hasn't been in any industry that would fit him for advancement.

Mr. THOMPSON. But if there was an institution for vocational training of any kind, it would obviate the objection that you name, would it not?

Mr. GERSON. Unless the vocational training was of a higher standing than any I have seen in this section of the country, and in many others, I would say no.

Mr. THOMPSON. Have you got any scheme of your own as to what kind of vocational training would be necessary, the least vocational training that was necessary to help the child along?

Mr. GERSON. I was interested in the doctor on the stand here, and I somewhat agree with him, that 16 should not be the limit. In many instances his proposition would be very good for children.

Mr. THOMPSON. It would be to carry the limit to 18.

Mr. GERSON. To 18, yes. That is the elementary education limit. The mistake that is made in the vocational schools that I have seen is this, the way they attempt to teach. I will try to illustrate briefly: Where they attempt to teach a child woodwork, the first equipment he will have is a surface planer. Now, we know in the modern development of the wood industry that a surface planer is a very handy thing to have around a shop, but you will never teach a boy to be a mechanic if he is going to depend upon a surface planer to plane a surface of wood. If they would teach the children to use tools, and it is just as essential to use tools properly—or it is just as essential to teach it properly as it is to teach a boy the technique of the violin, the handling of the violin,

if you are going to make a musician of him. This idea that anybody can drive a nail or anybody can use a saw, is all wrong, because we who have had the benefit of a mechanical training know it is just as essential to learn the business properly as it is to learn the general rudiments of an education. It is safe to say that 50 per cent, and that is a moderate estimate, that 50 per cent of the mechanics to-day can not use a hammer scientifically. They never were taught to use it scientifically. What the doctor says of apprenticeship, that the apprenticeship is fast fading away, nobody attempts, even with the apprenticeship to-day, to teach him the business properly so that even if a boy goes into some industry to be an apprentice, he is very lucky if he gets into an industry where somebody will take the trouble to really make a thorough mechanic of him. Then again, our mechanical pursuits are divided up into so many classes that it is impossible for a boy to learn them all, and he will never learn them in the school because they can't go over the scope of the industry. Now, I don't mean to say that a boy can not learn the technique of a business, that he can not be very well fitted for an industry. I belong to a trade that requires every apprentice to be 16 years of age, that he must have passed—graduated from an elementary school and that he must be enrolled in a school teaching the techniques of that business, and he must graduate from that school before he can be recognized as a journeyman. Now, that is in a practical line endeavoring to teach the boy something along the lines of the industry in which he is working.

Mr. THOMPSON. Mr. Gernon, what trade is that, and what school can the boy go to, say, in this city, that will help him out?

Mr. GERNON. Well, there are a number of schools. We endeavor—we did form an agreement with the department of education to take one of the manual training schools and make the curriculum for that course such as would meet the standard of our organization, our local.

Mr. THOMPSON. What trade is that, Mr. Gernon?

Mr. GERNON. Pattern making.

Mr. THOMPSON. Of course, you stated a little while ago—let me draw your attention to this matter of the vocational schools as you know them as they actually existed in this city and elsewhere. You said they were not sufficient to give the boy the right kind of training. That is what I want to get at.

Mr. GERNON. One of the mistakes they made in this city, and they have made it in almost all of the cities that I have investigated, is they don't employ mechanics in the occupations which they are teaching. They are remedying that in this city to some extent. But I know of an instance in this city where they used their brass finisher to teach pattern making. Now, that is the inconsistency of the present system.

Mr. THOMPSON. Referring to the New York child-labor law and its administration, Mr. Gernon, you spoke of something about the lundies and the weights that children in mercantile establishments had to carry. What do you know about the extent of the medical examination required of children in industries in this State.

Mr. GERNON. Well, I don't know that I am very familiar with it so far as it applies to the health department, other than what the law requires, and I have seen some of it. I am a little too busy to spend my time with the board of health to see just how it operates.

Mr. THOMPSON. Referring to your department, what examinations do you make, and do you ever reject—do you ever revoke the certificates of employment on account of ill health?

Mr. GERNON. That is a provision in the law now, and I presume that when they—they have just organized the bureau of industrial hygiene, and I presume there will be quite some of that later on. I doubt if there has been at the present time. I don't know. There has not been a certificate rejected where it relates to a child who might be in a mercantile establishment. There has been none rejected or revoked.

Mr. THOMPSON. I believe, in your testimony about the grocer boy and the butcher boy, you touched somewhat on your observation of the industries that children sometimes got engaged in, and their opportunities there. Have you anything more to say along that line?

Mr. GERNON. Well, I said I would prohibit children from going into such mercantile pursuits as did not hold for them a future.

Mr. THOMPSON. How would you determine that, and how would you put it into force?

Mr. GERNON. It could easily be determined, I think, by the character of the mercantile establishment.

Mr. THOMPSON. Where would you place that power—in your department or the board of education or the health department?

Mr. GERNON. Well, as a broad proposition, I would prohibit a child from working in a grocery or butcher store on the general supposition, on the general knowledge that they could not, at the present time the industry could not, absorb the children that are working in connection with them, almost, if they lost half of their clerks, they could not absorb all of the children. For instance, we will find more children employed in a grocery store on Saturday than there are clerks in the store. Now, the general supposition is that the child only works on Saturday, but our knowledge shows that the child worked after school and many times all during the day.

Mr. THOMPSON. I think you have covered the line of questions I was going to ask you, Mr. Gernon, but I would like to ask you what has become of the 43,000 children; you stated you would like to reach that before you got through.

Mr. GERNON. As long as I can remember—I have had a good many years' experience in the department of labor—before I was chief of this bureau, I was inspector, and as long as I can remember the department that question was always asked, what becomes of the discrepancy between the number of children found by the labor department and the certificates issued. Now, it is true that lots of children get certificates and do go back to school. Not such a great many of them. But I believe that the discrepancy, allowing that the factory inspectors do not find them all, because you must bear in mind this fact, that these places have to be inspected in rotation and at no time has the department of labor had a sufficient number of inspectors to do any better than to inspect a place about once a year, and in the mercantile department we can't do as good as that. There are many of these 43,000 children in offices in New York. The percentage of children employed in business offices is much larger than most people imagine, and there are very few offices that haven't got a boy somewhere in connection with them. We are charged with the enforcement of the offices, but owing to the fact we can't cover even the mercantile establishments, we have not attempted to cover the offices in anything like a systematic manner. I think that if we could cover the mercantile establishments and all places to which the child-labor law applies, and we could do it with—well, if we could inspect them four times a year, I think we would discover the discrepancy that would make up for a whole lot of it.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. GERNON. Now, there was one thing that was asked here: Should the certificate be left with the school authorities? You must bear in mind that any certificate that is issued, to be practicable, should be the original document which carries the child's signature. You know these certificates are sold, to-day they are being sold in New York City. A child gets through with one. He will sell one to some other child, and they will change the date. Our inspectors are notified that wherever they find a certificate with the date altered they are to take it away from the child. We then place the burden on the child to prove that it is a proper certificate, and that it belongs to them, and we will return it to the board of health, and if they are entitled to it they will get it back. So that the only certificate which should be in existence is the original, with the child's signature. Many times we have to depend upon the child's signature to identify the certificate as belonging to the child. As a matter of last resort, that is what we fall back upon, and it is not so easy for them to copy those signatures so as to fool us. So that any other system would be, in my judgment, a mistake.

Mr. THOMPSON. That is to say, the certificate should be left with the employer for your inspector?

Mr. GERNON. It should be with the employer in every instance.

Mr. THOMPSON. Is there anything more you would like to say?

Mr. GERNON. I think that is all.

Chairman WALSH. That is all; thank you, Mr. Gernon.

Call your next witness, Mr. Thompson.

TESTIMONY OF MR. OWEN R. LOVEJOY.

Mr. THOMPSON. Will you give us your name, your address, and your position?

Mr. LOVEJOY. Owen R. Lovejoy; 105 East Twenty-second Street, this city; general secretary of the National Child Labor Committee.

Mr. THOMPSON. How long have you been secretary of that organization?

Mr. LOVEJOY. Seven years.

Mr. THOMPSON. I think we have already had some testimony as to this organization, have we not?

Mr. LOVEJOY. I am not sure.

Mr. THOMPSON. What is the field covered by the National Child Labor Committee? How long has it been in existence?

Mr. LOVEJOY. The National Child Labor Committee has been in existence 10 years. Geographically, its field is the United States.

Mr. THOMPSON. What subjects does it take up, and in what way?

Mr. LOVEJOY. Its object is to abolish child labor and to help secure adequate practical educational opportunities for children. It attempts to accomplish these objects first by investigation of conditions, by publicity of the facts discovered by drafting legislation and recommending to the various States, by lobbying with legislators to get bills through, by studying and criticizing wherever necessary and commending where possible the administration of those laws, and suggesting better methods of administration.

Mr. THOMPSON. It is a voluntary organization?

Mr. LOVEJOY. Entirely so.

Mr. THOMPSON. Supported by voluntary contributions?

Mr. LOVEJOY. Yes, sir.

Mr. THOMPSON. Now, in the work you do or the committee does, part of it is the administration of the child-labor law already established, is it not?

Mr. LOVEJOY. Yes, sir.

Mr. THOMPSON. What do you consider from your experience to be the best method or the best machinery for the enforcement of child-labor laws?

Mr. LOVEJOY. We believe that some plan of coordinating all the activities that are involved in the administration of child-labor laws under one department is the best method; whether it should be called an industrial commission, such as they have in Wisconsin, or a department of labor, with its advisory committee and its chiefs of departments, who are technical experts, as in New York, we are not particular what name is given to it, only so the principle of coordination is followed out.

Mr. THOMPSON. The testimony has been fairly general here to-day, Mr. Lovejoy, that so far as New York State is concerned it is inadvisable to join the department of health and the school department and the labor department together so far as they touch this enforcement of the child-labor law. I take it that your opinion from what you say is to the contrary.

Mr. LOVEJOY. I would hesitate to differ from the people who have testified regarding conditions here in New York City. And yet on one or two points that have been presented here I have the impression that the people have been frightened by the bigness of the city and been unwilling to undertake a plan of organization which has proven perfectly feasible and practical in other cities.

Mr. THOMPSON. Beginning with Dy, Baker and Mr. Walsh and Mr. Hall, they all seem to agree that it was advisable to have one department check on the other.

Mr. LOVEJOY. Well, the figures that have been shown here to-day would seem to me to indicate that this checking system has succeeded pretty definitely in excluding 43,622 children from view. And Mr. Gernon has attempted to explain where they are, and I have no doubt many thousands of them would appear on a frequent inspection of the offices in this city, but I don't believe 43,000 would appear in that or any other industry.

I believe, on the other hand, that many hundreds, probably many thousands, after they have had their first jobs for a few weeks and have proven themselves inefficient or become tired of it, are roaming the streets undiscovered either by the inspectors or the truant officers.

Mr. THOMPSON. Mr. Lovejoy, directing your attention toward the division of the enforcement of the law as now divided in New York, how does it create that condition? In other words, how would the unification of the whole system prevent them from still wandering the streets of New York?

Mr. LOVEJOY. I think the difficulty is not so much as to the machinery of the organization here as contrasted with what I mentioned in Wisconsin, as in a defect in the method of issuing and requiring the return of the certificate itself. And here I should—I especially had this point in mind a minute ago when I regretted to differ especially from Mr. Hall. I know the impression he has is due to the tremendous size of a problem in a city like this, but in Cincinnati

and in other cities of fair size the plan of refusing to issue any certificate to any child until the issuing authority has evidence that that child has a position in view and then requiring that that certificate shall be returned to the issuing officer as soon as the child leaves its job makes it possible, and in my judgment is the only way to make it possible, to keep track of that child. Whether that is done by a combination of independent effort or through one agency, I think, makes little difference.

Mr. THOMPSON. Well, Dr. Baker and Mr. Hall both stated that in that connection, particularly Dr. Baker, thought it would lead to a system of grafting, that for a small remuneration people would make an offer for the child's services.

Mr. LOVEJOY. That might be in a few instances, but it seemed to me it could be very easily discovered and could be made so unpopular in a short time that it would not be as persistent as this invisible army of 43,000 children. I don't believe we would have 43,000 instances of graft in a single year without some one protesting against it.

Mr. THOMPSON. Well, on your own statement, Mr. Lovejoy, you believe that if the inspectors could get around more often than you would probably find a percentage of these 43,000 in the offices?

Mr. LOVEJOY. Yes, sir; but I mean the part that could not be found.

Mr. THOMPSON. The part that could not be found?

Mr. LOVEJOY. Yes.

Mr. THOMPSON. Have you made any study of the operation of that law in Cincinnati?

Mr. LOVEJOY. Yes, sir; we have followed it very closely.

Mr. THOMPSON. In so far as you have followed it, so far as your experience there showed, is there this development of graft there?

Mr. LOVEJOY. I never heard of an instance of the kind. One of my associates, Dr. Klopfer, was instrumental in getting that law on the statute books and was in close association with the school authorities in Cincinnati for a number of years, and he has the highest regard for the operation of that law.

Mr. THOMPSON. Referring to the question of standards, what standards, in your opinion, should States adopt for regulating the employment of children in industries, taking the question of education, physically, the age, pledge of jobs and returning certificates, hours of labor, and the occupations to be restricted?

Mr. LOVEJOY. Following the order you submitted in the outline presented in your question, I would like to present to the commission in brief a copy of the uniform child-labor law drafted two years ago by the National Child Labor Committee and endorsed unanimously by the American Bar Association and recommended for adoption in the different States. I should like to present this with a few changes, however, as I may suggest them at this time, because this is—

Mr. THOMPSON (interrupting). We will be glad to have them, Mr. Lovejoy.

Mr. LOVEJOY. This is made up as a composite of laws.

Chairman WALSH. You might file it with the stenographer and have it marked "Lovejoy Exhibit 1," and in connection with it we will take the suggestion you are about to make.

(Received and marked "Lovejoy Exhibit No. 1.")

Lovejoy Exhibit No. 1, "The Uniform Child Labor Law, as approved and recommended by the conference of commissioners on uniform State laws," was submitted in printed form.)

Mr. LOVEJOY. As to education, we should recommend that a child should pass at least the eighth grade of the public-school curriculum before being put into industry. The uniform law suggests the sixth grade, which is very much higher than exists in a large number of States. Physically the child should be up to standards tested by medical inspectors under authority of the board of health, where there are such, or of the public schools, showing that the child corresponds to the normal child of the age represented as the age. We recommend that no child under 16 years should be introduced into wage-earning occupations. As to age we recommend that no child under 16 years should be introduced into wage-earning occupations. At this point I should like to follow very exactly the recommendations made by Dr. Steinhilber, with the exception that we should oppose the employment of any child under 16 years of age. And this, if I may say briefly, for the reason that not only the reasons that Dr. Baker suggested, of physical effect on the child, but especially because the child under 16 who enters industry enters the worst form of industry and under the worst con-

ditions. A recent report of the Government Bureau of Labor shows that, of a certain group of children under 16 who left school to go to work, 90 per cent of the boys and all of the girls entered the industries in which the average wages of the adult are \$10 or less a week.

Mrs. Fernandez, who recently made an investigation here for the public schools of this city, I remember in one group of 101 boys under 16 showed that 96 of them were in industries which the commission in its letter called blind-alley industries, industries that had no future, while only 5 out of the 101 were in occupations that offered any possibility for the future.

This standard has already been reached regarding girls in Ohio. Ohio, by the new law, has a 15-year age limit for boys and 16-year age limit for girls. The discrimination in favor of the girls is probably unfair to the boys, but was probably adopted as a compromise step toward the standard.

As to pledge, pledge of job, I have already answered in my former testimony. No child should be excused from school or have a certificate issued without a pledge from some employer to take the child.

And the certificate should be returned to the issuing officer when the child changes positions. This makes it possible to find the child within 48 hours, instead of having to wait for a year, or, in case of mercantile establishments, six years, until the small staff of inspectors happen to be around to the place where the child is employed.

The hours of labor for the children who must be employed under 16 years of age, until that standard shall be reached, the hours of labor should not be to exceed eight hours per day, and there should be taken out of this at least five hours per week for continuation part-time schooling.

All occupations should be restricted which are mentioned in sections 3, 4, and 5 of the uniform child-labor laws, such as occupations involving dangerous processes, exposure, and poisonous acids and gases, etc. There is a large list of occupations that have been worked out by experience in a number of the foremost States.

Mr. THOMPSON, Referring to the question, Mr. Lovejoy, of the vocational training of children, have you any views on the free vocational training to fit children for profitable employment?

Mr. LOVEJOY, I have a very definite view, though I can not claim any very great technical knowledge of the educational side of this problem. The National Child Labor Committee has been one of the earliest organizations in the field agitating for vocational education and for all forms of practical training in the school; but we have taken the position that our chief function was to call attention to the unsatisfactory curriculum and methods in the public schools, and urge, through cooperation with school men, the adoption of better standards, for the simple reason that our commission is very small and very poor. The public school system of this country is very large and costs something over \$400,000,000 a year. We have, therefore, taken the ground that the educational side of the problem is up to the \$400,000,000 crowd instead of our \$75,000 crowd.

However, on the specific question you ask we believe that—perhaps I should speak personally on this, because the trustees have not acted on the matter of prevocational training, though I believe they would endorse the expressions which I now give and the sentiments such as I have already many times given expression to. We believe that prevocational training should begin in the kindergarten, should continue through the school course, as Dr. Steinmetz said.

As to vocational training to fit the child for profitable employment, I assume that you mean by the question profitable to the child—or profitable to the industry?

Mr. THOMPSON, Well, it ought to be both.

Mr. LOVEJOY, In that case we believe that the course of training should be of a nature that should fit the child for a rather comprehensive knowledge not only of the specific trade into which he is to be ushered, but all kindred employment. I mean that we are not in favor of any kind of training that would at an early age force the child into a narrow specialty. That, it seems to us, is one of the dangerous tendencies in the agitation to-day for practical education against what is called the old-fashioned, general education. We have been allowing children of 14 or 15, or even younger, to drift into industries to their detriment, but it has been through oversight or carelessness. If it is now proposed that we shall have a system which shall definitely determine the future of the child, then it seems to us that we should be very careful not to allow the same thing to happen systematically that is now happening haphazard.

Mr. THOMPSON. Then you would agree with Dr. Steinmetz that the vocational training of the child should not begin until after the sixteenth year?

Mr. LOVEJOY. I would.

Mr. THOMPSON. Have you anything more to say on the question of vocational training before I come back again to the other?

Mr. LOVEJOY. Only this, as to the administration of that part of our educational curriculum. And here I think I need only indorse the position taken by Dr. Steinmetz that it should be absolutely under the control of those public agencies supported by the public and should not be dominated by any special interest. And this not only for the reason he gave, but also because in many communities the only kind of vocational training that would be offered, if it were dominated by a local industrial interest, would be a training to fit the child for that particular interest. In many instances the local industry would be the last possible thing to train the child for. The only thing to train him for would be something outside of his own community.

Mr. THOMPSON. In your study of the question of the enforcement of the child-labor laws do you feel that there is a need for uniformity of administration?

Mr. LOVEJOY. This seems to us very important. The lack of uniformity in State laws has been one of the great embarrassments to our work not only as an organization, but to those who are affected by the operation of the law itself. The adjoining States are hampered in the administration of laws as well as in enacting the law by these widely differing standards.

In the matter of administration, especially, we find that the widely differing standards operate nearly always to the detriment of the State that has the low standard. I know that there is a very popular sentiment that the States that have restricted hours of labor and have a high age limit are handicapped, because they are restricted in the question of labor, in the kind of labor they employ. I believe that is an erroneous position, because I believe that the more children employed the less profits in the industry, in the long run at least. But in these lower-standard States the administration is very much more lax than in the States with the higher standards.

After saying what I did a few moments ago about those undiscovered children in New York, I should like to say that I believe the administration in this State is very superior to that of many of the States, even with good laws.

In Ohio, Wisconsin, and Minnesota I think the enforcement is still better, because the problem is less complicated, but in contrast to that, if I may present two extreme cases, you will get the point which I feel ought to be emphasized. In Ohio no child may be employed until a pledge is secured by the issuing authority from some employer. The day the child is discharged or leaves the certificate is returned. There are very few infractions of the law. In contrast to that, take Georgia, where children may be employed for 11 hours per day at 12 years of age, or, if they are orphans or poor, they may be employed at 10 years of age. We have in our office photographs of certificates given by the ordinary, which the parent secures by simply making affidavit as to the child's age, and the carelessness with which those certificates are issued is indicated by one or two illustrations I should like to give.

Here is one of an ordinary, in a large mill town, in which he certifies that the child is 9 years old, instead of 10 as required by law, and another in which he certifies that the 9-year-old child has not completed the six weeks of schooling required by law, and yet, armed with this certificate, with these two certificates, those two little 9-year-old children went to the factory and readily secured employment, and there is no authority to interfere with that. They remain employed under those conditions.

Mr. THOMPSON. What would be the value, Mr. Lovejoy, of a Federal standard, first, in establishing a recognized national minimum; second, in stimulating backward States to advance; and, third, in tending to standardize administration methods?

Mr. LOVEJOY. We believe that the value of such a standard would be important from all these considerations: First, in establishing a national minimum, a Federal standard, for example, fixing a 14-year age limit and a 16-year-age limit for mines and quarries and dangerous occupations; fixing an eight-hour day for all children under 16, etc. We believe it would tend to develop public intelligence as to the error of employing young children more quickly than it can be developed through the sharpshooting method of trying to get laws in the different States alone.

In the second place, we believe it would stimulate the subnormal States to advance. There are nine States that, for one reason or another, employ children

under the age of 14 years. We believe that all those subnormal States would be brought up to the standard if the Federal law, such as we have proposed, were enacted, because when the occupations which come under the jurisdiction of a Federal law were raised to this standard there would be no motive for discriminating in favor of a purely local industry to employ children of a younger age. There are Georgia and the Carolinas and Alabama, the four chief cotton-manufacturing States, which we especially have in mind when I speak of the subnormal States, because they employ a larger number of children under 14 than any of the other States.

Mr. THOMPSON. Referring to this Federal bill, do you mean the Palmer-Owen bill?

Mr. LOVEJOY. The Palmer-Owen bill is the one I refer to, the Federal bill; it is House bill 12292, Senate bill 4571.

Mr. THOMPSON. In a general way, what are the standards imposed by that bill, and in what States have they already been adopted? And what is the plan of the administration of the bill?

Mr. LOVEJOY. Mr. Chairman and Mr. Counsel, I should like at this connection to file with the commission a copy of our pamphlet, No. 216, which contains a text of this bill, and a brief arguing for the bill; but let me summarize for your present purpose that the standards are as follows:

The bill provides no employer shall offer for shipment in interstate commerce goods produced in any mine or quarry by children under 16 years of age, or goods produced in any factory, workshop, cannery, etc., in which children are employed under 14 years of age, or in which children between the ages of 14 and 16 are required to work more than eight hours per day, or at night; those are the standards recognized in the bill. Under the first schedule, the 14-years-of-age limit in factories, I find here a number of States, without taking the time to read them, there are some 33 States, I believe, that have the 14-years-of-age limit already.

Mr. THOMPSON. What have you to say with reference to the plan of administration?

Mr. LOVEJOY. The plan of administration provided in this bill rests with a commission—Federal commission—composed of the Secretary of Labor, Secretary of Commerce, and the Attorney General, representing, as we believe, the two industrial elements most closely interested in the subject of labor and commerce, and also adding the technical knowledge that would naturally come from the Attorney General's office. Under their direction the administration of the law is in the hands of the Secretary of Labor, who, with his deputies, is directed to investigate and file with the United States district attorney in any district complaints against any violators of the law. In addition to that the Secretary of Labor, the State labor inspectors, the transit officers, or any other citizens are empowered to file such evidence with the United States district attorney, who, with that evidence, is compelled to institute suit.

(The pamphlet produced by the witness was here marked, "Witness Lovejoy Exhibit 2, received June 1, 1914.")

Lovejoy Exhibit No. 2, "The Federal Government and Child Labor," a brief for the Palmer-Owen child-labor bill, by Owen H. Lovejoy, was submitted in printed form.)

Mr. THOMPSON. Mr. Lovejoy, is there anything else you would like to say to the commission on the subject of the administration of child labor?

Mr. LOVEJOY. There is one other point I would like to mention which has been referred to a number of times. The question has been asked as to an investigation of the economic condition of families in which it is represented that children must be employed because of poverty. I should like to go on record as opposed to discriminating against any child because its parents are poor. If there is any standard that ought to be established for a child at all, it should cover with its protection the child of the poor parent who has not had a fair chance during his early years. Therefore, if the age is 14, it should be 14 for all children regardless of economic conditions. If it is 16, there should be no exceptions because of poverty. Society must find some other way to support the family rather than putting the burden of such support on the child who is poor.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner GARRETTSON. There is one thing I would like to know—what your experience is, as the outgrowth of your experience. We have had here to-day testimony from—now, that I don't know that I will use the exact terms,

but a bureau of industrial hygiene—we have had testimony from the administration of the compulsory-education law, and testimony from a bureau of the labor department, all in regard to phases of child reform connected intimately with the question of child labor and child education, vocational, or otherwise; in your opinion would laws of this character be better administered and would a more satisfactory result be obtained by a commission or department charged with the administration of all laws affecting juveniles, or by a series of departments such as have been here represented; and I have no doubt that while we have heard from three, there are a number of others in the State dealing with similar or with some of the phases of the same question.

Mr. LOVEJOY. I am not sure, Mr. Garretson, whether—I should answer that question directly. So much depends on personnel. My general feeling, however, is that the problem is very much more an industrial problem than it is a child problem. That is to say, my whole tendency is to exclude the child from industry. We become so accustomed in this country to an army of working children accompanied by an army of jobless men, that we fail usually to put them into juxtaposition. We rarely think of them together. They ought to be thought of together.

Commissioner GARRETSON. They are always relative?

Mr. LOVEJOY. They are always relative. The one is in very large part the cause of the other; because, as you doubtless know, well, a large number of those jobless men to-day are jobless because they had their jobs too young and are unfitted for any high-grade or continuous wage earning. Therefore, it seems to me that the problem is very much more an industrial problem than a child problem.

Commissioner GARRETSON. Now, another suggestion, somewhat foreign to the case. In your dealings and experiences as a representative of the child labor society, have you ever discovered the instances where men who have loudly proclaimed their devotion to saving the child from labor and who pay money to movements and associations for that purpose, still your investigations showed that those very men were exploiting child labor through their industries, or were interested in it?

Mr. LOVEJOY. We find a great many people who loudly proclaim their hostility to child labor in the abstract, who when it comes to a concrete instance, find themselves opposed to every kind of child labor excepting the kind that they employ. But I do not recall instances of those who have in any important degree aided the financial support of the organization I represent, who have taken this position.

Chairman GARRETSON. They usually avoid the payment?

Mr. LOVEJOY. Yes; their sins are all along other lines, probably.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. LOVEJOY. May I also file with the commission, with its permission, one of the pamphlet publications of the child labor committee, No. 212, entitled "Eight Hour Day for Children," which contains a large number of quotations from merchants, manufacturers and others in the States where the eight-hour law is established, showing the industrial, social, and educational effects of this law.

Chairman WALSH. We are very much obliged to you.

(Mr. Lovejoy here presented to the reporter three pamphlets, which are marked "Witness Lovejoy Exhibits 3, 4, and 5, and dated June 1, 1914.

Lovejoy Exhibit No. 3, "The Eight Hour Day for Children," by Anna Rochester; Lovejoy exhibit No. 4, "More Protection for Working Children," by Owen R. Lovejoy; and Lovejoy Exhibit No. 5, "Constitution and By-Laws," all published by the National Child Labor Committee, were submitted in printed form.)

TESTIMONY OF MR. ELI W. WEAVER.

Mr. THOMPSON. Give us your name, address, and occupation, Mr. Weaver.

Mr. WEAVER. Eli W. Weaver, of the Boys' High School, Brooklyn, N. Y.; teacher.

Mr. THOMPSON. Are you chairman of the students' aid committee, New York City High School Teachers' Association?

Mr. WEAVER. I am chairman of that committee.

Mr. THOMPSON. Since what time?

Mr. WEAVER. Since 1908.

Mr. THOMPSON. In your capacity as such chairman have you had up the question of vocational guidance work in New York City?

Mr. WEAVER. We started out to see what we could do to help the boys, particularly from the high schools, who had to go to work to form some definite purpose and to make such business connections that might lead them to work out that purpose with the least loss of time and waste of energy. This is purely a voluntary committee, I might say.

Mr. THOMPSON. You have stated the origin. Now speak of the development, the methods used, and the results obtained.

Mr. WEAVER. The methods varied very greatly. This committee is composed of teachers doing this work voluntarily along with their regular work; and there was a representative in each one of the public high schools of the greater city; and while the work at the outset was approved, at the same time there was a feeling that the work should be organized on a larger basis, and it simply kept itself alive waiting for a proper official organization of the work. There has been pending, after the committee was organized, a recommendation of the city superintendent to take up the work officially, and there has been organized since a larger association, composed of groups that have been named vocational guidance associations, which should extend this work.

And there has been also recently organized in Brooklyn a separate organization of that kind, so that in the meantime these advisors in the high school have simply tried to do what they could with the most urgent cases that came to their knowledge. They have collected some information and published a number of handbooks for the guidance and help of children in selecting an occupation and finding proper business connections after they have selected, and in training themselves after they have entered an industry, for advancement in that particular line of work.

Those bulletins—about a score or more of those bulletins—have been printed at different times. The committee has also tried to find vacation employment, so as to help the children remain in school longer and to aid in their support by finding work in time of vacation or during the school term, so as to prevent their leaving school before they receive the equipment which they should receive.

Mr. THOMPSON. I believe the commission has copies of those bulletins.

Mr. WEAVER. I think all that are in print have been supplied to the commission. If not, I will see that you get copies.

Mr. THOMPSON. All right. Now, in your opinion, what have been the results?

Mr. WEAVER. Well, I feel that the results can perhaps be definitely illustrated by this: I take an instance which has just been called to my attention on Friday, because the boy came to me himself. He is with a large foreign business concern, in which he had been placed four years ago—a boy that had to leave school before he was finished or equipped for anything; was put into that business house in training, and he has succeeded so well that he has remained with the house ever since—and so he came along and said the house would like to have two more to follow in his footsteps. In that way we have made a connection with a large number of business houses where we have found the conditions for advancement satisfactory, and we have thus established what I should think are relations mutually profitable, both to the schools and to the business houses, in that way.

I can not say just the number of people, but sometimes we have provided for vacation work in some single schools for hundreds during the summer. In one school in which a tabulation was made the vacation earnings of the children amounted to \$22,000 last vacation, and another school \$11,000. Now, this vacation business experience was valuable. They were business connections that were advised by the counselor of these children. They were asked to get this business experience so that they might correlate it with their school experience or help maintain themselves in school for a longer period, and in some of the poorer part of the districts it was a large item.

Children have been sent to farms in the near-by country—those that manifested an inclination for agricultural pursuits. Arrangements have been made and a special bulletin issued—I don't know whether you have a copy of that or not—published concerning the agricultural tendencies of the boys in the city high schools, and we have tried to help them work out those tendencies.

And in a good many of the schools a great deal of work is done, particularly in evening schools, particularly following up the boys who have gone into what is called blind-alley employment, so as to help them readjust themselves as soon as they get to maturity, and make them pass into other higher fields of work. In some schools a large number of pupils are under the direction of the vocation counselor after they have left the schools.

Mr. THOMPSON. This work is entirely voluntary?

Mr. WEAVER. Entirely voluntary work, and has no particular support or appropriation except the voluntary contributions that are taken up from time to time.

Mr. THOMPSON. And has this work been urged on the city school departments?

Mr. WEAVER. The committee of which I have the honor of being chairman, at a time after the first experiments were made, recommended that in each high school there should be at least one teacher who should have one hour a day for the purpose of advising children. The city superintendent indorsed our recommendation with the request that there should be a director appointed for doing this work for the entire city. That was in 1911, in his report. Since that the matter has been under debate as to the best method of approaching the problem. Various phases or forms of the problem presented themselves with more or less insistence, and there has been no general agreement among all parties as to the best way to approach it.

We presented our recommendations of the committee to the board of education, which has investigated rigidly the problem, and their recommendation is that the city shall appropriate \$15,000 for two years, I believe, for the purpose of making an investigation as to the extent to which helpful work may be done before the city embarks in the problem officially.

Mr. THOMPSON. Is there anything further that you would like to add to that question, in regard to the situation here, before I go to the question of the survey you made in Buffalo?

Mr. WEAVER. Well, I might say, personally—I am speaking entirely for myself—I don't believe that under the present conditions in the industries in this city that it would be a long time for us to hope to be able to take hold of the matter of vocational guidance except in the way of maintaining perhaps an experimental station for doing that with certain types of children, and then make it the basis for doing that work for other children of that type.

Mr. THOMPSON. Referring to the work that you did in Buffalo, you made both a school survey and an industrial survey. Briefly state what were these surveys and what conclusions have you taken from them.

Mr. WEAVER. I might say that at the request of the Buffalo Chamber of Commerce I received a six months' leave of absence from my school duties in this city, which I spent in that city. In that city there was organized a committee composed of representatives of the chamber of commerce and various social organizations and the schools. The schools had committed themselves to a broad general program of vocational education and vocational guidance, and they asked the chamber of commerce to furnish definite information in regard to the needs of the growing industries of that town; and at the request of the chamber of commerce I tried to make an industrial survey of the industries of the city. We tried to determine, for the benefit of the school officers, the possible needs of the various industries of the city in regard to the number of workers, the class of workers they desired, the kind of efficiency they expected, and how that efficiency could be best developed in the schools before going into the industry, or after going into the industry, and as to whether there was an indication that the industry was willing to pay for producing that efficiency or in such a condition that it was able to pay for producing the efficiency which it desired.

In connection with this survey of the various industries, we continued a survey of the various schools, to ascertain in what respect the schools were lacking facilities for such definite training as we discovered these industries would desire, and it is as to the result of that you asked me, I believe.

Mr. THOMPSON. Your conclusions, yes.

Mr. WEAVER. We covered a number of industries, and we communicated with the employers, and they asked that the survey of the city should be completed. The skilled industries have largely been completed; the other industries are being studied now, and the man who has been permanently put in charge of the bureau of educational guidance and industrial education is one who was formerly one of an efficiency syndicate, and he has taken up that work permanently.

The public schools have established vocational guidance upon the plan maintained by a number of English cities, more particularly Liverpool and Edinburgh; and the chamber of commerce has agreed that if these young people have to leave the school and go into industries before they have reached maturity, they shall be enrolled by the efficiency bureau of the chamber of com-

merce, and the director of the efficiency bureau of the chamber of commerce shall follow them up and shove them around and see that they get the training that they need in order that they may get all-around experience.

During last June we tried out the plan and we succeeded in enrolling all of the graduates from the schools and the high school, and aided in placing them in those industries that might be proper and best suited for them; and now those are being followed up this year.

Mr. THOMPSON. You have already stated your ideas as to the organization of vocational guidance in New York City. I would like to ask you now your ideas and views of the relation of wage standards to industrial education?

Mr. WEAVER. I have completed a bulletin which has now been approved by the directors of the Chamber of Commerce of Buffalo, in which we tried to determine whether there could be possibly discovered any formula wages which would prove that the industries generally were willing and ready to pay the community or the individual the cost of producing an efficient workman. I believe I am safe in saying that the employers of this city and the employers of Buffalo make no distinction in employing recruits, as in favor of their scholastic or educational or technical equipment. That the boys who go out of the vocational schools there go into pattern shops, for instance, even though they have had two years pattern making, and are asked to begin at the bottom, just the same as though they had not had any training. The manager of one of these machine shops said that he never knew a boy, no matter what education he had, that was worth more than \$4.50 a week. We were not able to find that there was any discrimination. I feel that until there is such a discrimination it will be manifestly impossible to hold restless young people in their immaturity who, perhaps, not themselves, and whose parents frequently do not know anything about the conditions in the industry, long enough for them to get the training that is there. We tried, then, to determine whether the finished worker, whether the community as a whole, will pay satisfactory premium in favor of education for the man who has had time to demonstrate his usefulness. I think that was very remarkably exhibited in the survey that we made of the civil service of Buffalo. There we would take one complete body of workers and see or determine the relation between the number of applicants for the various positions and the number of appointments, and the number qualified, and compare them with the wages which prevailed in the different grades of work.

Now, it seems there that the city is paying a very high premium for advanced educational information. It seems that in the school of industry the city is paying a very high premium for advanced education by failing to discriminate in that regard. So that there will be a sufficiently large supply from which to select the more highly schooled and educated persons; and personally I feel that the point of contact, the real point, is to compel the industries generally to formulate more definite standards of requirements and correspondingly definite standards of wages so that there may be a right stimulus on the industrial educational force.

I emphasized that, and it was largely on that recommendation that the Buffalo Chamber of Commerce decided to make this bureau permanent and the present permanent director is a very skilled man in that line, and he has been employed to assist the employers of the city to fix the standards of wages which may be effective in this direction. And they are going to try to work up and formulate a scientific standard of wages. Now, that has been based largely upon information that we have collected.

Mr. Chairman, I believe that is all.

Chairman WALSH. The commission will now stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon at 4.30 o'clock p. m. of Monday, June 1, 1914, an adjournment was taken until Tuesday morning, June 2, 1914, at 10 o'clock a. m.)

NEW YORK CITY, June 2, 1914—10 a. m.

Present: Chairman Walsh; Commissioners Garretson, O'Connell, and Lennon; also Mr. Thompson, counsel.

Chairman WALSH. The commission will please come to order. You may proceed, Mr. Thompson.

Mr. THOMPSON. Mr. Basford. Mr. Basford, will you please take the stand.

TESTIMONY OF MR. GEORGE M. BASFORD.

Mr. THOMPSON. Will you give us your name, your address, and your position, please?

Mr. BASFORD. George M. Basford; my home address is 134 Primrose Avenue, Mount Vernon.

Mr. THOMPSON. What position have you with the Mount Vernon public schools?

Mr. BASFORD. I am a member of the advisory board of the vocational school. It is a school of industrial arts.

Mr. THOMPSON. What is that?

Mr. BASFORD. They call it the School of Industrial Arts of Mount Vernon.

Mr. THOMPSON. Is that formed under the State law of this State?

Mr. BASFORD. Yes, sir.

Mr. THOMPSON. How large an advisory committee is that, and what are its component parts, if it is divided up into group of citizens?

Mr. BASFORD. As nearly as I can remember, there are five members of the board. I do not remember very much about it, because we have never been called together but twice since the board was formed, once to select, to help select a teacher for the vocational school in Mount Vernon, and again in order to pass on an improvement on the building. So far as being consulted about courses of anything of that sort is concerned, we have never been, officially?

Mr. THOMPSON. Does the act provide that you should be consulted?

Mr. BASFORD. I understand so.

Mr. THOMPSON. From what walks of life are these five members of that advisory board taken? I mean do they represent union labor, or manufacturers, or are they taken indiscriminately from the citizenship of the locality?

Mr. BASFORD. They represent employers in different industries, and labor is represented also, I believe.

Mr. THOMPSON. Then apparently from what you say, Mr. Basford, I would understand that no attempt has been made to have the different classes engaged in industry represented on that board?

Mr. BASFORD. I think an attempt was made; yes, sir. But, as I understand the board and its duties, it is a joke.

Mr. THOMPSON. Why? Tell us fully why you consider it so?

Mr. BASFORD. I understood when appointed as a member of that board that the board itself was to give its advice with respect to industrial education in Mount Vernon. It has not done so. It has not been called together for that purpose.

Mr. THOMPSON. Who has the power to call it together? The chairman of the school board, or who?

Mr. BASFORD. I understand the chairman of the school board, but as to the details of the law I am not well posted, because I have considered the thing as I said, a joke.

Mr. THOMPSON. Of course, it might be, Mr. Basford, that a member would have a right to call the board together.

Mr. BASFORD. I presume so, but if we were not wanted together for advice why should we do that?

Mr. THOMPSON. Mr. Basford, in connection with your work there and the position you occupy, have you made a study of industrial education and apprenticeship?

Mr. BASFORD. Not in connection with it in Mount Vernon; no, sir. In connection with my business, I have.

Mr. THOMPSON. What is your business that caused you to make that study?

Mr. BASFORD. Not my present occupation, but previous occupations.

Mr. THOMPSON. Well, what were they, Mr. Basford?

Mr. BASFORD. I was first the employee of a railroad.

Mr. THOMPSON. Of what railway?

Mr. BASFORD. Boston & Maine, to begin with. Following that the C., B. & Q., Union Pacific, Chicago, Milwaukee & St. Paul. Following that I had about 10 years—12 years—newspaper work as editor of a railway newspaper. During that time I gave most of my study to the subject of apprenticeship. Following that, eight years with the American Locomotive Co., most of the time as assistant to the president. I was directly responsible for the apprenticeship plan worked out for that company, and in that connection I assisted in a small way in some of the railroad developments along that line.

Mr. THOMPSON. What railroads?

Mr. BASFORD. I have tried to do, in an advisory way, in a friendly way, advisory way, with the New York Central, Santa Fe, and other railroad schemes.

Mr. THOMPSON. Was that in connection with this matter of apprenticeship?

Mr. BASFORD. Yes, sir. Never have been an employee of those companies for that purpose, but I have helped out with such advice as I was asked for.

Mr. THOMPSON. Well, from the studies you have made, that you have named, what kind of apprenticeship do you consider is necessary or adapted to modern industry?

Mr. BASFORD. I can not attempt to answer that question just as it is put, but if confined to the particular lines.

Mr. THOMPSON. State your views on that subject, generally, in your own way?

Mr. BASFORD. What are called the mechanical trades I have very definite ideas that apprenticeship should first insist on carefully selecting the boys; it should provide a short, intense course of not over three years; it should provide thorough shop instruction by men who have the time and the ability to teach the trades in the shop, under the shop conditions, and all the commercial conditions of life.

That is more than apprenticeship in the past ever meant. Apprenticeship in old times, of the old kind, consisted in keeping a boy perhaps four, perhaps five years, giving him the instruction grudgingly, for fear he might learn too fast and too much. To-day we should take these boys and with an intense course of three years, give them all that there is in the trade as quickly, as thoroughly as possible, by men trained to teach them. That is a thing which is not generally understood to go with apprenticeship. It makes all the difference in the world whether you have a trade training.

Just a word on this subject is too little; it takes a long time to explain just what I mean there, but that idea is now being carried out very successfully with the trade training in the trade, and I believe that trades can not be taught in school. I believe they can only be taught in the commercial surroundings and in the trade organization, the shop organization, or the industrial organization itself, where all the commercial conditions are present and where the work of the boys goes into the implement, the machinery that is used by the boys following.

Mr. THOMPSON. Taking up that subject, Mr. Basford, for a moment, Dr. Steinitz yesterday said that the institution of apprenticeship schools or vocational schools by corporations must of necessity be a philanthropic work, for the reason that they did not pay; experience has shown that they did not pay. Does that agree with your opinion?

Mr. BASFORD. Not at all, sir.

Mr. THOMPSON. What views have you on that phase of the subject?

Mr. BASFORD. I think that apprenticeship in our mechanical trades has no element of philanthropy in it whatever. The result to the boys and to the employers are so certain and so direct that it is a straightforward business proposition on both sides.

Mr. THOMPSON. One reason that he gave for that, Mr. Basford, was that, because of the great specialization of industry in the mechanical arts to-day, it did not pay a corporation to take a boy through all the education that a man should have.

Mr. BASFORD. I do not know of a manufacturing establishment which does not supply a great deal more opportunity for teaching trades than are ever thought of being used, even the most highly specialized lines. I don't know that I fully answer that question.

Mr. THOMPSON. Well, going to another phase of the first question, wherein would such a school pay a corporation—you say it does pay?

Mr. BASFORD. I beg your pardon, I have not used the word school yet, except to say what I did not believe in.

Mr. THOMPSON. I see. Well, wherein would the system of apprenticeship teaching such as you describe pay the corporations?

Mr. BASFORD. It would pay a corporation manufacturing anything, in my opinion. It would pay a farmer; it would pay a plumber, cabinetmaker, paper hanger, painter, or anybody else who works with his hands.

Mr. THOMPSON. You say that you have not mentioned the name school in that regard. Now, you are speaking of this education that should be given an apprentice. How should it be conducted?

Mr. BASFORD. We hear a great deal about vocational education. I would like to make my position clear, that I do not think it is any use to talk of vocational education, vocational schools, except we have the apprenticeship as a basis upon which the schools should work after the boys are in the employment, for which they should work before the boys are in the employment. I will put the trade training entirely separate as an apprenticeship in the work itself. Well, let the schools bring the raw material, the product or raw material, for apprenticeship up to the school—up to the work, I mean. Let them take it afterwards, when they are in the work and in a continuation-school process, and carry the school work forward. The schools, in my judgment, should not attempt to teach the trades or any parts of the trades. We have two problems for the schools—first to prepare the raw material for vocational training. When the pupils are employed in their vocation to provide the continuation school which explains to the boy or the girl, for that matter; but I am not talking so much about girls, because this problem is too big and you have got to take one little part of it at one time and talk about it. Let the schools take the apprentice, nights or in the daytime, and provide the mental development that goes along with the manual development, explaining in the school the reason for the things that the apprentice does in the shop.

Mr. THOMPSON. Now, taking the apprentice in the shop, what control should there be over him? Whose control should it be—the corporation or the public-school control?

Mr. BASFORD. In the shop?

Mr. THOMPSON. Yes; in the shop.

Mr. BASFORD. Absolutely the corporation, in the shop. I believe it is the corporation's business to train in its own work its own employees, and you can not do a thing if you have any outside influence. That is one reason why the boy should learn the trade in the organization; he has got to be responsible to his foreman and has got to do a good piece of work to-day in order to come back on the job to-morrow. The sooner he learns that the sooner he gets his position to learn his trade and become a citizen; and that is a part of citizenship.

Mr. THOMPSON. You have not provided in your scheme for the cooperation of the public-school system or the schools with the manual work.

Mr. BASFORD. I have not done that yet, sir.

Mr. THOMPSON. I mean you have stated there should be——

Mr. BASFORD. There should be; yes, sir.

Mr. THOMPSON (continuing). A system of teaching following along with the manual work. Now, there necessarily would have to be a cooperation between the teaching body and the shop body, would there not, in order that the child might be getting his intellectual training along with the manual work? How would you bring that about?

Mr. BASFORD. I would bring that about in this way: We have not yet come to the point where the educators—the professional educators—as I see it, understand the shop boy. We have not gotten to the point yet where the public schools as they are now conducted, as I understand it, can do very much for that boy. That I believe to be the reason why the boy gets out of school and gets into active life. This corporation-school idea that has been developing so rapidly and so widely represents something to fill a gap. I think it is only temporary; but the corporations with which I have been connected and the ones which have done me the honor to ask my advice felt they had to have their own schools. And in time that work should be handed over to the public-instruction organization; but I think it would be a long time before the public educators understand the shop boy and what he needs to know well enough to be entrusted with that problem. I would like to take a minute right here to say that one company with which I have been connected has quit making a regular practice of taking even college men as engineers.

They have developed a corporation school for the development of engineers, taking high-school boys at the age of 16 and making engineers of them competent to design locomotives. There isn't a textbook in the course. I haven't the papers with me, but the course has now been developed about—in developing about six years, and the graduates are coming out very successfully. A highly specialized school, to be sure, but representing, in my judgment, what will be needed for not only the preparation of engineers in a highly specialized line of work like locomotive building, but something very similar will have to be developed also for the shop boy. That is now being done in various ways, with various degrees of success, by the corporation schools. I have here some of these

courses, as they are interesting enough—it is proved that they have been interesting enough to hold boys voluntarily for night-school service, night-school study, night-school work, after a hard day's work in the shop. We can not settle this thing here in a few minutes or anything like it, but I think if it were possible to reveal the size of the problem I would be very well satisfied.

Mr. THOMPSON. To address your attention, first, in order to lay a basis for your development, I would like you to touch on the question of how you would develop the public school with reference to that question. How would you have public schools take the place of the corporation schools, and how would you bring about, as I stated before, the cooperation between such public schools and the manufacturing plants wherein the apprentices work?

Mr. BASFORD. In the first place, the public schools must do as manufacturers and as merchants do—study the market of their product. The public-school people must ascertain first what is wanted of a boy. I think they are beginning to realize the importance of that. But if the public instructors—I think you will find perhaps few of them understand the life that a boy enters when he goes into the shop. I think the first thing to do is for the public-school people to get in touch with that to understand the market for their product. These corporation schools are now advertising for boys, advertising in the country papers, and they are getting them in a haphazard way. I think the teachers of the public schools might know their boys well enough, and know also the employers of the boys somewhat, and get them together.

Mr. THOMPSON. In other words, Mr. Basford, you think that the public schools when instituted for this work should make a survey of the neighborhood as to the possible demand in the future for school boys?

Mr. BASFORD. The public schools as they are conducted to-day will never do that. They can't do it.

Mr. THOMPSON. I mean a school as you would have it organized. I understand that the present schools can not do it, but I am trying to get your ideas of what the schools should do that would take this work up.

Chairman WALSH. Mr. Thompson, may I make a suggestion? Mr. Basford seems to have some very definite and well-thought-out ideas along this line, and somewhat original, as I take it, from what he said. He dislikes to attempt to state it in the short time necessary to be given. I would suggest that Mr. Basford write out his entire plan, write out his entire outline, if you will, Mr. Basford, giving us the ideas that you have, and submit it to the commission.

Mr. BASFORD. I should be glad to do so.

Chairman WALSH. I think that would be more satisfactory all around.

Mr. BASFORD. It will take me all summer to do that, but I will be glad to do it.

Chairman WALSH. Well, then, if your plan is so comprehensive that it would take all summer, perhaps it is unworkable so far as our commission is concerned.

Mr. BASFORD. I think it is.

Chairman WALSH. Well, then, if you do it—all this is a part of what we hope to be the constructive work of the commission—and if you could take your time and do that, we will consider it a very great contribution to our work.

Mr. BASFORD. It is not because of the comprehensiveness of the plan but the simplicity of it; it is so difficult to put this in words so that anybody would really get what I mean.

Chairman WALSH. What do you think of my suggestion?

Mr. BASFORD. I would be glad to do that. I have a few words I would like to say, though, if I may.

Chairman WALSH. We will be glad to hear them. And then put your really definite plan in writing and submit it to us.

Mr. BASFORD. There are two things that I think the schools, the public, should do: One thing that the employer should do is to teach the trades. One thing I think the schools should do is to prepare the boys for those trades. I don't mean to say to attempt to teach a part of that and leave the manufacturers and employers to do the rest, but to prepare the mind of the boy for the trade. That can be done. I believe boys—by putting in something like wood-working in the schools, as in the way of manual work, to ascertain chiefly through that whether a boy is mechanically inclined or not, and it takes a lot of study to find that out. Whether the schools should be evening or day is another question.

You will find it very difficult to get manufacturers to take their boys out of active organizations for a certain number of hours every day to attend a school, and I am not absolutely sure that that ought to be done, or that it is neces-

sary. It has been proven that the work can be conducted without it. Speaking of boys all the time. After the boys are in school, then there is an opportunity to do what the corporations are now doing with the continuation schools. That would have to be handled, I think, by State or National aid in some way. It all depends on how this aid is administered. It ought to be controlled, I believe, by representatives of three kinds of people, very much as the Wisconsin law provides: One representative of the teaching profession, perhaps two representatives of the employers, and two of employees, making probably five, which would be the best number. I would give the chief weight to the manufacturers, the employers, and to the employees. With these people very carefully selected and the control of State or National funds placed in their hands to be used only in accordance with plans which in their judgment are wise, and with the understanding that they are used for vocational schools and will be used in such a way as to encourage real trade training, then you will be safe in discussing vocational education.

I don't believe we will make very much headway until some such plan as that is adopted—that State and National money can not be used except with the approval of the plans under which it will be used by some such board as I mention. The Wisconsin State law seems to contain many elements of strength, and is likely to be very successful if they will do one thing which I understand they have not. They have not themselves in Wisconsin felt quite satisfied with—if they will encourage apprenticeship to a greater extent.

Chairman WALSH. Commissioner Lennon would like to ask a question.

Commissioner LENNON. Mr. Basford, you mentioned regarding the careful selection of boys for apprenticeship. Will you in your paper indicate to us why and how, after this selection, what is to become of the boys or girls that do not mark up to the proper standing? Deal with that to some extent, will you? And you spoke in another instance of the kind of teachers—that they should be trained teachers who ought to teach the apprenticeship in the shop. Will you indicate whether you mean by that, training high-class knowledge of the trade and the mechanics of the trade, or whether you mean something besides that or in addition to that? And will you deal to such extent, as seems to you advisable, as to whether in these corporation schools the plan pursued is that of teaching specialties, or whether the plan is to teach the whole trade to the apprentice? Those three propositions interest me very much, and if you would deal with them to some extent when you come to submit your plan I will be obliged to you.

Mr. BASFORD. I can answer those in a second, if you like.

Chairman WALSH. Very good.

Commissioner LENNON. Then answer them now.

Mr. BASFORD. As to the boys who do not measure up, I think it is the business of any employer to find—particularly employers of a great many people—to try to find some place where almost anybody will fit. It can be done. We give great attention to steel, iron, brass, stone, copper, and all that. We give almost no attention to the human being, as to his qualifications for doing certain things. That, I think, is a charge that could be made against almost any very large corporation. And my idea is that apprenticeship trade training, vocational education, is only a part of the treatment of people in the employ of those large concerns or small ones. So far as the character of the teachers is concerned, I think the word "teacher" does not represent exactly what is wanted. An educator does. For the shopwork an expert machinist, one who not only can do a piece of work well but do it quickly, do it commercially, should be such a man as can show—has the ability to show boys how the work can be done. It is not at all difficult to get these teachers. The trouble is that after getting a teacher, and he shows his success in teaching, he is wanted for some important position right away, and he is taken out, to be passed on to some bigger job. So far as teaching the entire trade is concerned by the corporation schools, that, I think, goes without saying, that if the plan is fully understood and appreciated the corporation will teach as much as the pupil is capable of taking. Some can not go through a complete trade. Some have limitations which will make them stop short of that; but carrying them as far as they can go is the plan, and I think the enlightened employers taking this subject up are doing that.

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. Following that idea of the teacher a little further, Mr. Basford, is it not true that if the school develops, whether we speak of the vocational school or of the courses, which you have referred to as a shop, that the teacher is going to evolve possibly from the pupil of those schools

or courses, and it will be with the teacher in the industrial sense or the mechanic with the teaching sense that will come to the surface as an instructor along those lines?

Mr. BASFORD. Yes, sir.

Commissioner GARRETSON. The schools themselves, when they get to a certain stage, whether one type or the other, will develop the type of teacher which will be necessary to carry it forward to its best?

Mr. BASFORD. Yes, sir; I think so. But as to the teachers for these continuation schools, it seems to me to be necessary to get somebody who has gone through the same mental process of learning about the things that are done in the shop that the pupil himself has to go through. The college graduate does not necessarily have the greatest success in teaching a continuation school, such as the corporations, some of the corporations, are now conducting. The man, I think, who has the greatest success, the one who has had, to my notion, the greatest success, is the one who has learned what he knows himself largely by observation, reading, and questioning. He has that in his own experience which enables him to see how the boy looks at the thing that he does not know about.

Commissioner GARRETSON. And for a time, possibly, the gaps in his own experience might be bridged by the use of a portion of the practical mechanic?

Mr. BASFORD. Yes; and I think the practical mechanic will be the bright one. The one who understands, the one who has possibilities of mental development, will make the ideal educator for these continuation schools, and their work. I would not like to look to one who had grown up, come up through the normal, the regular way of training of teachers for successful teachers in this line so much as I would to the pupil who had come up through the school of hard knocks. Of course, you have to have intellect, but the understanding of the mind of the boy which would enable the teacher to have a micrometer caliper; we do not want algebra, geography, comic sections, descriptive geometry; we do not want to go into the differential calculus; we want the thing taught that the boy is going to do. It will be relative and narrow, but it will be relatively thorough. We have got to get over, in teaching these boys in these schools, the idea that we are going to teach them subjects, that you can hand them a book of algebra that is that long and that high and that wide, as much geometry and all those things—those other subjects, in the same way. You want to get at the boy in the boiler shop with the things that are around him, work in your algebra, geometry, trigonometry, if you please; but actually arithmetic and common sense, using the things that the boy touches and handles every day. You give an idea of economy, get it into his mind up in the boiler house, the most difficult place in the world for training an apprentice; but ask him what a rivet weighs, learn him to figure out the weight of rivets, tell him how to find how many rivets he heats in a day, how many rivets goes into a boiler of a certain class; ask him why a rivet is heated, why it is not driven cold.

In that connection ask him what the mercury thermometer means. He will very soon see that a rivet is heated in order to extend it and when it is cold it contracts, and after it is drawn up it holds the plate close together.

In that connection, ask him how many rivets heat destroys every day, because he burns them; give him the cost of the rivets, and then ask him what percentage of the value of the rivets he destroys and let him figure out whether he is a useful citizen. You have got some mathematics then before him that he will remember. There are lots of unknown quantities that those boys can be made to figure out themselves that will make them so intensely interested in their work that your problems are easy after that. We have to understand the boy and get at him in the right way.

Commissioner GARRETSON. Might I ask you right there, for evidently you have been connected with railroads in their mechanical department?

Mr. BASFORD. Yes, sir; I was.

Commissioner GARRETSON. On this I want to talk of the school curriculum as it exists. Have you ever, as a practical man, used any formula that you learned in arithmetic in school, unless it was that based on the multiplication table?

Mr. BASFORD. No, sir. The engineers to-day confine most of their calculations to plain arithmetic. The trouble is to get the people to understand whether they ought to add or subtract, multiply or divide, and do it at the right time and in the right place.

I am rather antagonistic to the present methods of education. In the technical schools—I am a graduate myself of the Massachusetts Institute of Tech-

nology, in Boston. I profit by the experience that I had at that school. I came in contact almost at once with a so-called apprentice in a railroad shop. I saw how he was mistreated, and how he was used as cheap labor, how every bit of knowledge was kept away from him; how he was discouraged in every possible way. I made up my mind at that time that if I ever had a chance to use a word to help that poor devil I would do it. That boy that comes into shop, the son of somebody, the shopman, perhaps, may be of a tramp, has in him, if we give him the right training, the possibility of becoming the industrial leader of the future. He may be the leader on the labor side; he may be on the employer's side. It is from that class of people that the leaders of to-day have come, and it is that boy, I think, who needs our attention. And instead of trying to adapt him to our educational system, we ought to adapt our educational system to him.

Commissioner O'CONNELL. Do you believe that there should be any limitation of the number of apprentices?

Mr. BASFORD. Limitation?

Commissioner O'CONNELL. Yes, sir.

Mr. BASFORD. My answer to that always is this: Until we use the apprenticeship that the labor organizations now allow manufacturers, employers to have, the manufacturers have not a word to say about the limitations of apprentices. The best way to make the labor unionist let up in this respect is to make apprenticeship so important and so valuable that they will want to get all the boys they can into it. You have not done that yet.

Commissioner O'CONNELL. Are you familiar with the apprenticeship system on the New York Central lines?

Mr. BASFORD. I am.

Commissioner O'CONNELL. What do you think of that system?

Mr. BASFORD. I think it is excellent.

Commissioner O'CONNELL. Are you familiar with the system on the Santa Fe?

Mr. BASFORD. I am.

Commissioner O'CONNELL. How recently?

Mr. BASFORD. How recently?

Commissioner O'CONNELL. Yes, sir.

Mr. BASFORD. From its start.

Commissioner O'CONNELL. What do you think of that system?

Mr. BASFORD. I think it is excellent.

Commissioner O'CONNELL. Do you think those two systems are alike?

Mr. BASFORD. Yes, sir; they started alike; they have drifted apart.

Commissioner O'CONNELL. That is what I wanted to get at. How are they to-day?

Mr. BASFORD. The Santa Fe has held to its original plan, and the lines of the New York Central west of Buffalo have held very closely to their original plan. The lines of the New York Central east of Buffalo have made a change in their outlines of school work, and have taken their lessons of late—well, they started them on the original basis, they have taken them of late, I understand, from the International Correspondence School lines.

And this problem is so definite and is so important locally, each place being different from every other, each town being different, and the individuals being different, that I think the corporation school work is now serving a very useful purpose in developing that individuality which will help later.

Commissioner O'CONNELL. At what age do you think an apprentice ought to be admitted into the trade?

Mr. BASFORD. That is generally determined by the State laws. I think the boy ought to be good and strong before he goes into a shop, and I think—I would not vote for any very much earlier age than 16. You can take a boy in at 15 and not hurt him any.

Commissioner O'CONNELL. Do you think he ought to be put on probation for six months or a year?

Mr. BASFORD. In apprenticeship?

Commissioner O'CONNELL. Yes.

Mr. BASFORD. By all means. Every day he ought to be on probation.

Commissioner O'CONNELL. That is all I have, Mr. Chairman.

Chairman WALSH. Thank you, Mr. Basford, that is all. Call your next, Mr. Thompson.

Mr. THOMPSON. Mr. Williams is not here. We will have him at 2 o'clock.

Chairman WALSH. Call your next.

Mr. THOMPSON. I will call Mrs. Anna H. Wilcox.

TESTIMONY OF MRS. ANNA H. WILCOX.

Mr. THOMPSON. Will you please give your name, your address, and your present business?

Mrs. WILCOX. Mrs. Anna H. Wilcox; my home address is 103 Northern Avenue, Manhattan.

Mr. THOMPSON. And your position?

Mrs. WILCOX. Supervisor of continuation schools of New York City.

Mr. THOMPSON. How long have you been supervisor of continuation schools of New York City?

Mrs. WILCOX. I have been in the active work of supervisor only since the middle of April, but I have been working over the ground since last fall. We were not prepared to have an active supervisor in the field, because we did not have the classes.

Mr. THOMPSON. This is a new departure of the schools of this city?

Mrs. WILCOX. Entirely new and is still fairly in its experimental stage—an experiment which has proved a success, however.

Mr. THOMPSON. You have started some schools in connection with the department stores, have you not?

Mrs. WILCOX. Yes, sir; I have.

Mr. THOMPSON. You may state the number of schools and the names of the firms that are cooperating.

Mrs. WILCOX. Last October a department was started in Abraham-Strauss's department store in Brooklyn of 15 pupils. In February a class was started in Bloomingdale's, Manhattan, with 18 pupils. In April a school was started in Lozler's department store in Brooklyn, two classes, because there were so many of the youngsters there, the juniors as we call them, that the class had to be divided into two parts. There were 29 in that class. In May I opened classes in three stores—Matthew's in Brooklyn, Altman in New York, and Hearn's in New York. I have also under my charge four classes in the Educational Alliance, taken over by the board of education, which is a school for teaching English to foreigners, which has been in operation since 1908. The teachers who conducted those classes in former years were examined by the examiners of the board of education and passed and have been retained. The class is still in operation.

Mr. THOMPSON. In these schools what hours are allowed by the employers and where is the instruction given?

Mrs. WILCOX. In some of the stores, the stores that open after 8.30, classes form immediately and are conducted in some of the stores for one hour, some an hour and a half, and the longest period is two hours. In the stores that open at 9 some of the schools commence at 9, and some of the employers allow the pupils to come half an hour before the store opens and so have the advantage of the extra half hour and not take it away from store time.

Mr. THOMPSON. Well, where the time is taken off the store time are the children paid for that time?

Mrs. WILCOX. They are paid for the time in all cases.

Mr. THOMPSON. Even where they come ahead of time?

Mrs. WILCOX. Yes—no; they are not paid for that half hour. That was at the option of the children. They preferred to come. They were so eager to attend the classes that in order to get the half hour of extra instruction they volunteered to come half an hour before the store opened regularly. I have met with that spirit of enthusiasm among the pupils without exception and the spirit of cooperation among the employers; so that there has been a perfectly beautiful spirit of harmony right through.

Mr. THOMPSON. What subjects generally are taught and what teachers do you use?

Mrs. WILCOX. I found that the majority of my juniors have left school in the seventh and eighth grades; I think a majority in the seventh grade; and some have left school in as low a class as the fifth. You can understand that their grammar-school training was very much uncompleted, so we have taken up and tried to comply with the real significance of the word continuation, trying to go on from where they left off in the school without any of the frills that are put on in public schools and the studies have been in common practice, arithmetic, spelling, local geography as directly needed by the store's requirements, and English work. The English work is to develop their ability to speak correctly and speak fluently and easily, to write business and social letters, to

make bills and receipts, and to carry on a general business correspondence; to speak correct English, etc.

Mr. THOMPSON. What are the results of this kind of instruction so far?

Mrs. WILCOX. So far the classes have been organized such a short time that no large, definite results have yet been gained; but the promises are very good. In one class we had nine pupils who have gained advance in their pay directly due to their training in their class.

That class I conducted myself for two months and experimented on it, and very vigorously so; and did a great deal of intensive work, and I thought these able children were deserving of increased salary and pleasantly but determinedly demanded it from the store, and they met my request very courteously; and in that same class I have five of those nine who were advanced in their positions—in one case a little girl who has been especially proficient and has just fairly entered up the work I have given her—she has been advanced three times. And right here I would like to say that my work is as much individualistic as possible. I want to keep my class down to as small a number as the law allows—which is 15—so that the teacher having charge of the class can do individualistic work whenever it is necessary. And where I have had teachers who have been cooperative and understood and had the courage to do things never done before in the regular public-school work, I have found very delightful results.

You asked about my teachers. They are appointed from the regular eligible list from the public schools of New York City. That list I rapidly exhausted, I am glad to say, and I have had to advertise for teachers and that gives me an opportunity of selecting and selecting with great care; and in every case where possible I have been selecting a married woman with children. Her credentials had to be those, of course, of regular teachers. I prefer the married women, because they have added to their intellectual training that peculiar sociological work that I think my work demands, and I have selected teachers who have generally shown themselves interested in sociological work and have broad vision; who have also a spirit of personal sacrifice, as it is a personal sacrifice, to conduct these classes so far, as the salary is small.

Mr. THOMPSON. I take it from what you have said that you feel there is great possibility in this work?

Mrs. WILCOX. There is an unlimited possibility.

Mr. THOMPSON. And that it is doing real good in the community?

Mrs. WILCOX. I have had the employers in the stores tell me that they see themselves the progress of these little individuals. I mentioned one store only where there had been advancements. There have been advancements in three stores in the positions that these children occupy. None of them, with one or two exceptions, are sales people. They are in the stock rooms, in the auditing department, and a large majority of them are what are called packers—or wrappers—the little girls who do up the bundles.

Mr. THOMPSON. From what you have said I take it the teaching of English helps these pupils to make out sales tickets, and have you any other observations as to such help that such schools can be in the particular business in which they are employed, by way of vocational training?

Mrs. WILCOX. There is only one field for vocational training for the department-store worker—that is, outside of the clerical offices—that is, the vocation of salesmanship; and I have my own ideas of what salesmanship is. I think it is very largely courtesy and common sense; and I have held conferences with my teachers after hours to get them to understand that if possible I want to have them incorporate in all of their teaching, in everything that the child does, to incorporate those two principles and constantly direct the child definitely toward the application of the work in their positions in the stores. For instance, a good deal of my arithmetic work is done on sales slips, and I make every lesson in arithmetic or in fact every occasion where they use either a pen or pencil, I make it a writing lesson. The time is so short, the work must be so intensive, that I try to combine several things in one; and a great deal of their arithmetic work being on those sales slips, they are cautioned to observe the rulings and to keep their loop letters from running into other lines and to keep the dollars in the dollars' column and to keep the cents in the cents' column, and the spelling correct. It requires a constant supervision of very sharp, bright, active, patient teachers to keep those things up to the standard, which I hold before them. I hold a very high standard before them.

Mr. THOMPSON. You have spoken about the fact that a great many of the children are in the seventh or eighth grade, or were when you took them up. Is there any limitation in age?

Mrs. WILCOX. I am supposed to limit them to 16; but where I find girls under size and undeveloped, I let them slip in and don't say much about it. They need it. That's what I mean by sociological work. I hope by the next term to have a great deal more latitude in the question of age so that wherever young people are employed in the stores and are inefficient, due to the lack of education, to allow them to come into my classes.

Mr. THOMPSON. Without any age limit?

Mrs. WILCOX. With a very elastic age limit.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions, Mr. Gullettson?

Commissioner GAREKISON. No.

Chairman WALSH. Or you, Mr. Lennon?

Commissioner LENNON. Do you give any instruction in the school as to salesmanship, the origin and composition of goods which the children handle, and other matters of that character?

Mrs. WILCOX. I expect, as this work develops, to take up a definite course in salesmanship in the study of textiles, the qualities of silks, qualities of cotton fabrics, manufacture of leather goods, and things of that sort that will enable the young sales person to talk intelligently about the article she may be handling for sale.

Commissioner LENNON. Where do you expect to get the teachers to give that kind of instruction? From the normal schools or out of the shops?

Mrs. WILCOX. I have not taken that up at all, because it is still in the future; and when the time comes I don't know where I will get teachers. I know I will have a very difficult time getting them.

Commissioner LENNON. That is all, thank you.

Mrs. WILCOX. I wanted to say just one word.

Chairman WALSH. Certainly. Any suggestions you think will be germane we will be glad to have.

Mrs. WILCOX. I have opened each class as it has been formed with a little list of what I call watchwords, and under these five watchwords, as they were originally, I have had the teachers develop their daily work, and this comes under the head of salesmanship. My first watchword is "courtesy," and the teacher has the class write the word courtesy at the head of the written papers for a week, or longer, if it seems to be necessary, in order to get them to understand in a proper sense the practical meaning of the word and to give practical examples of it in class.

Second, "accuracy"; third, "speed"; and, fourth, "punctuality." And with that word I have had trials and tribulations. These little workers are constantly late to the stores, and consequently they are late in their classroom, and I have had to insist on strict rules, and when one of them has been tardy three times she is dismissed from the class; but so far, since I made the rule, there have been no intrusions. The fifth watchword was "loyalty." That was developed as the work progressed on account of some unpleasant discussions by the students in the classes about their employers. I insisted that while they remained on the pay roll they must be loyal to their employers. The last watchword is "responsibility," which was developed in one class. And I want to tell, just to show the caliber of the teacher who had charge of it, and to show what I require of the teacher, this one instance: She had charge of a class for about two months and had occasion then to remain away one day, and I appointed a substitute and went over to the class that morning to see how the substitute was taking charge, and he had not appeared; and this teacher before this had formed her two little classes. She had her classes divided into two sections and had formed them into a little club, with the election of a president and the other officers, and had told them in case the substitute did not appear and in case of any emergency for each little president to take charge of the class. When I got there the second class was in session, and I found absolutely perfect conditions.

That was not so much due to the children themselves as due to the atmosphere the teacher had previously created in the classroom; and I immediately developed the new watchword "responsibility," and tried to make each individual see that it was due entirely to the individual responsibility which the

child took that the class was conducted in just as good condition as if the teacher had been present.

Commissioner LENNON. I would like to ask one question—Is it the idea of the board, as far as developed or indicated in any way, that this continuation work is to go on after, say, 16 or 20 or 21 years of age? Or are your present ideas limited to young children?

Mrs. WILCOX. Our present ideas and hopes are not limited, but we are limited by law. We can not compel children over 16 to attend school of any kind, but the hope and plan of the board is to have these classes and have the attending optional.

Commissioner LENNON. The law would permit that now, would it—optional classes?

Mrs. WILCOX. I really don't know whether the school board's rule would permit it, but we hope later on to be able to hold those classes, for we have found such need of them.

Commissioner O'CONNELL. I would like to ask, for instance, these watch-words that you selected—for instance, "loyalty" to the employer. What is taught in connection with that? What is taught? You say you employ the word "loyalty." What are you teaching in connection with the word "loyalty"?

Mrs. WILCOX. It is, of course, entirely a moral question—a question of fairness and squareness. If a child accepts the pay from a store and continues to work in the store she must not speak against her employer. If she feels she has sufficient grievance she should take it up with the employer and not continue to find fault with him without giving him the opportunity to explain to her what the reasons may be for his seeming offense.

Commissioner O'CONNELL. Are all the classes made up in keeping with the line of employment in which the children are engaged? For instance, the department stores, is the line of education governed largely by the business in which they are engaged—the occupation?

Mrs. WILCOX. They come from all the departments. The classes are formed simply of the juniors. They come into the store and they are employed in a number of departments, the wrappers or packers are employed in all departments where they can wrap packages. You can understand that there would be a great variety of departments. The stock girls, of course, handle the stock up in the stock rooms, but they are in training in the common branches because they are all insufficiently educated. They are insufficiently educated if they are under 16.

Chairman WALSH. That is all, thank you, Mrs. Wilcox. Call your next witness, Mr. Thompson.

Mr. THOMPSON. Miss Cleo Murtland.

TESTIMONY OF MISS CLEO MURLTAND.

Mr. THOMPSON. Give your name, address, and occupation.

Miss MURLTAND. My name is Cleo Murtland, assistant secretary of the National Society for the Promotion of Industrial Education, in charge of the work for girls and women.

Mr. THOMPSON. Your residence.

Miss MURLTAND. 606 West One hundred and sixteenth Street is my home address.

Mr. THOMPSON. How long have you been assistant secretary for the National Society for the Promotion of Industrial Education?

Miss MURLTAND. Since September 1, 1913.

Mr. THOMPSON. Have you in charge a factory school in the waist industry in this city?

Miss MURLTAND. I have not. The plan which we have worked up is a proposed plan, which is pending.

Mr. THOMPSON. Will you describe this proposed plan, and how it came about that you have made it, and at whose instance?

Miss MURLTAND. If I may put a little personal experience ahead of that—I have been for many years a public-school teacher—for six or seven years in close association with the trade on which this study is based. When I say this special trade I mean the power-operating trade of which the dress and waist industry is one branch. We have come to believe in this industry that there is little chance for the girls to get ahead unless they have some training. Many of the girls—the very, very large proportion of the girls—in fact, almost all of the girls,

because the proportion is so great—are not really touched by education until after they have entered the industry. We hope that condition will change; but that is the present condition, and this plan was worked out with the idea of dealing with present conditions. Since the girl can give very little time for education, for study, it was proposed that some part-time arrangement be made with a short unit of training. Twelve weeks has been used as a basis, which need not necessarily stand if 12 weeks is not the good unit for it. During that time it was proposed to train her beyond the job which she is already holding—to train her into something that requires greater skill, if she has greater skill, which needs to be developed, or greater earning power. The State of New York now provides for part-time training for girls and for boys in industry. It does not, however, make it compulsory; and for that reason there is some need for outside practice, to develop a scheme for the part-time training. This plan has been based upon an experimental plan outside of the public schools largely, because that is the way they have of beginning new things in New York—rather an established custom. This plan has tried to bring into the scheme a cooperation of the employers, a cooperation of the workers and of outside parties, planned somewhat after the protocol in the industry.

Chairman WALSH. Will you be seated, Madam? I think you will be more comfortable.

Mr. THOMPSON. I would like to ask you what has been done with reference to the two parties for bringing about their cooperation?

Miss MURLAND. There have been constant conferences between those people during the time this work was being done. Both sides have spoken somewhat favorably upon it, but as a body, as an official body, neither the union nor the manufacturers have given their final decision upon the matter. That is pending, and we expect a meeting to that effect in the early summer.

Mr. THOMPSON. This industry—you have this organization of employers and also a union?

Miss MURLAND. Yes; Local No. 25, it is called.

Mr. THOMPSON. And you are dealing with these two organizations?

Miss MURLAND. Yes; through their officers and their committees which they appointed to cooperate with us.

Mr. THOMPSON. But as yet there has been no decision?

Miss MURLAND. As yet there is no decision?

Mr. THOMPSON. By either side?

Miss MURLAND. By either side.

Mr. THOMPSON. In planning to give 12 weeks to this work, I take it you are planning that during the slack season?

Miss MURLAND. Yes; so as not to keep them out of the industry any longer than necessary.

Mr. THOMPSON. In the dress and waist industry they are pieceworkers generally?

Miss MURLAND. No; the smaller percentage are pieceworkers?

Mr. THOMPSON. Only the smaller percentage?

Miss MURLAND. Only the smaller percentage are pieceworkers, and the larger percentage are week workers.

Mr. THOMPSON. And in the work, however, of conducting that along this plan, you seek to take in the slack time during the seasons?

Miss MURLAND. And I take that as a detail which will work itself out more readily after the work is started.

Mr. THOMPSON. Perhaps it might be well if you would just as simply and as briefly as you can state your plan and scheme.

Miss MURLAND. I have taken the outline which was sent to me by the commission and I will follow that.

The description of the plan, the first, was an analysis of the industry and terms of education. That is to say, what is there in a trade that is not taught at the bench, that has sufficient background to make it worth while to set up a school for training the workers? That is vocational training, you see.

Second, to outline a course of study in part-time classes for girls employed in the work, and, third, a plan for financial support and the joint board of educational control. The preliminary investigation was very simple as to form. It was composed of a few fundamental questions which, with the analysis of the industry, would give a basis for an educational program that would command the interest and support of the workers employed in the industry, the confidence of the manufacturers, and the support of the public interested in the welfare of industrial workers.

The questions were as follows: What do the workers do? What are the occupations? What are the operations of the industry?

Second, Where do the workers come from? From school? From other lines of the operating industry? From allied industries? From other industries? Do they pick them up? Are they trained by the employer? Are they trained in the school? Are they trained before entering the trade and how do they get into the trade? How do workers learn the trade? What is the prevailing age of workers? What is the demand for workers, the number yearly? What is the possibility of and the chances for promotion? How far recognized by the trade does knowledge of one job lead to another more skilled and more highly paid? What are the wages, the possible earning ability? The wage as compared with the length of the season?

Eighth, The plan for a part-time school and course of study and organization of classes.

The third, Cooperation of the parties I have already given. In addition to the cooperation of the dress and waist manufacturers' association and Union Local No. 25, statistical information was furnished by Mr. N. J. Stone, of the wage-scale board of the dress and waist industry.

This information, as you know, was the result of a 1913 investigation of the whole industry. It was complete and accurate, and added greatly to the report. We had also the cooperation and support of those who worked in the industries, in the cloak and suit industries, which is one of the allied industries. I went into this industry, as I say, with seven years close contact with the industries. I believe very thoroughly in the industry. I think it has a great deal that is good in it. It is going to do a very great deal for our old traditional dressmaking, which has been handed down in the home. Methods in the business are good; they really can be good. The chances for the workers are very great. Wages are better in the main in that industry than they are in dressmaking, which is its allied industry. When I say dressmaking, I mean the kind of dressmaking that has been done chiefly by hand in the exclusively custom shop. The yearly demand for workers was a very difficult question to answer. Mr. Stone, who gave me the information I had on that fact, found it impossible to trace great numbers of the workers because of the shifting from one branch of the industry to another and the duplication of names. There might be many, many girls by the same name. Mary Goldsmith, for instance, or Mary Colletti, or perhaps 8 or 10 girls of the same name. The commissioner had no reason to know they were not the same girl, or that they were different girls, and they found it impossible to follow the girls entirely. They could only find definite information about girls who remained in the industry all the year. When, feeling that that was unsatisfactory and misleading information to give, they have declined to give definite information. They are willing, however, to say that 5,000 new girls are needed in the industry each year.

I analyzed the occupations and the operations in the industry, having run a machine myself, knowing quite a good deal about putting garments together, and I found it a relatively easy matter to do it. The operations, many of them, are simple; some of them are very complex.

The analysis of the processes of what the workers do gives the chance for changing from one occupation in the industry to another. I designate that as a line of promotion, because it is convenient. There is a line of promotion in the dress and waist industry. It is not, however, recognized to any great extent, because there has been heretofore a very large supply of green labor, and manufacturers have been using that labor, and not realizing that they needed to train their workers. The time has come now when they realize that they must train their workers, and the workers themselves realize—I found this out through my talks with girls employed in the industry—in order to get ahead they had need of greater training than they can get in one occupation in a single factory.

There are two types of girls entering the dress and waist industry—inexperienced girls who come directly from school and very frequently from the grades, some girls from the high school, and many of them from the grades, perhaps the seventh and eighth, and there are not so many sixth and fifth grade girls in the dress and waist industry as there are in some of the allied branches of the trade; that is, those branches of the trade where the work is less complicated.

There are also what we might call semlexperienced girls—girls who know a little bit about sewing, perhaps they picked it up at home, and perhaps they may have had some sewing in the schools. The inexperienced girl enters as

a cleaner or finisher. The cleaner's duty is to cut away the threads and trim away the raw edges of the cloth underneath the lace, and so on, and she is not a person who takes out spots, as the term would seem to mean. And the finisher, the finisher sews on hooks and eyes, a simple process that almost anyone can do. Am I too long?

Mr. THOMPSON. I would like to ask you some questions, and you may make your statement afterwards.

What courses of instruction do you intend to give in that school; briefly as you can.

Miss MURLAND. Vocational courses. That means considerable time spent at the machine with correlated work in arithmetic and English and other subjects that can be included satisfactorily in such course.

Mr. THOMPSON. How do you intend to arrange the time?

Miss MURLAND. This was on a half-time scheme; the girls in the factory a half day and in the schools a half day. They were to be paid a flat rate during their training time, during the period of training.

Mr. THOMPSON. How much?

Miss MURLAND. Of \$6 per week.

Mr. THOMPSON. How did you intend that that school should be supported financially?

Miss MURLAND. That school used to be supported by three parties. The proposal is that the manufacturers' association bear one-third of the expense, the union one-third, and outside influence, public persons, through a committee of the National Society for the Promotion of Industrial Education. Those people already have their funds ready and are most willing to help.

Mr. THOMPSON. When you speak of the board of control, do you mean the board of control of those three elements?

Miss MURLAND. Of those three elements. I have three charts here.

Chairman WALSH. Will you kindly submit the charts so that we may put them in the record.

(The four charts were received in evidence and marked "Murland Exhibits 1, 2, 3, and 4.")

Murland Exhibits 1, 2, 3, and 4 were submitted in printed form.)

Mr. THOMPSON. That is all I have, Mr. Chairman.

Chairman WALSH. Call your next.

TESTIMONY OF MR. LEWIS A. WILSON.

Direct examination:

Mr. THOMPSON. Will you give us your name, your address, and occupation?

Mr. WILSON. Lewis A. Wilson; address, 728 Morris Street, Albany; occupation, inspector of vocational schools.

Mr. THOMPSON. There is a law in this State providing for educational schools. Is there not?

Mr. WILSON. Yes, sir.

Mr. THOMPSON. And for State aid?

Mr. WILSON. Yes, sir.

Mr. THOMPSON. Briefly state how that is carried out?

Mr. WILSON. The law provides for State aid for four types of schools: The general vocational school, and that is general training for boys between the ages of 14 and 16 years; trade schools for boys of the age of 16 years; agricultural, mechanical arts, and home-making schools, and part-time continuation schools, and evening schools. The State aid is two thirds of the first teacher's salary and one-third of each additional teacher's salary, with a maximum of \$1,000. State aid for each teacher.

Mr. THOMPSON. That is the extent of the State aid?

Mr. WILSON. Yes, sir.

Mr. THOMPSON. To what extent have such expenses been stipulated in this State? First, how long has the law been in effect?

Mr. WILSON. The law went into effect June, 1908, and was revised in 1914 by this last legislature. At the present time we have 31 general and industrial trade schools. We have an attendance, an average attendance of about 7,000 pupils; we have 36 State-aid agricultural schools or department—and by a department I mean a division of a regular high school, with an attendance of 1,500 pupils. We have one part-time school and one continuation school, and one continuation school with an attendance of about 40 pupils, and we have approximately 18,000 evening vocational school pupils.

Mr. THOMPSON. Scattered throughout the State?

Mr. WILSON. Yes, sir; making a total of 26,500 vocational pupils in the State.

Mr. THOMPSON. What control, what body has control of such schools; and if there are advisory bodies, how are they arranged and used, and what is their effect?

Mr. WILSON. The school is under the control of the local school authorities. The advisory board is planned to give aid in developing courses of study and in the shaping and building of schools. This advisory board is subject to the call of the chairman of the board. As a rule he cooperates with the superintendent of schools, or principal of the vocational school, and calls the committee together. The State has certain rules and regulations which they use in approving schools, but the burden of proof rests upon the local community.

Mr. THOMPSON. In connection with the advisory board, is the law so framed that the advisory board must be heard from?

Mr. WILSON. No, sir; it is so framed that it is necessary to have an advisory board. It does not state as to the meetings or methods of organization.

Mr. THOMPSON. In your supervision over the State of these schools, what is done to see that there is a working harmony between the advisory boards and the superintendents of schools or the regular school body?

Mr. WILSON. Well, in most communities the superintendent of schools holds a monthly meeting with the advisory board. But, to be perfectly frank, in some cases the advisory board is simply an honorary board and takes no interest whatever in the schools. When the meetings are called they do not attend, and for that reason oftentimes meetings are not called.

Mr. THOMPSON. Did you hear what Mr. Basford said this morning?

Mr. WILSON. I did.

Mr. THOMPSON. Apparently he feels that the advisory board is dropped by the other party.

Mr. WILSON. The advisory board has the power to hold their own meetings and make their own recommendations, which they do in many cases.

Mr. THOMPSON. They have that authority?

Mr. WILSON. Yes, sir.

Mr. THOMPSON. What progress has the vocational education made under this legislation in the city of New York?

Mr. WILSON. In the city of New York?

Mr. THOMPSON. Yes, sir.

Mr. WILSON. A very, very small progress in the city of New York.

Mr. THOMPSON. How do you account for that?

Mr. WILSON. Well, in my opinion, the whole vocational movement is set back by the attitude of the average schoolman. I think the average schoolman is opposed to the vocational education. I think the supervising official, not New York especially, but in all parts of the United States, is opposed to vocational education.

Mr. THOMPSON. Why, if you have any opinion?

Mr. WILSON. Yes, sir; I have a personal opinion. I feel that the old line of education—it is really necessary for it to justify itself, and they are afraid that vocational education will take away their positions. I think the school authorities—the schools need to be reorganized, and for that reason I think they are fighting the new form of education. However, I do think this: That the average schoolman seems to feel that vocational education simply means trade education; that trade education will reach a very small number of the pupils, and for that reason he feels that it is not plausible to organize vocational schools.

Mr. THOMPSON. Is there a pretty general feeling of that kind among the people interested in vocational education, that the old-style school-teacher is opposed to it?

Mr. WILSON. Yes, sir.

Mr. THOMPSON. And on that account do you feel that questions of vocational training or education should not be placed entirely in the hands of the old-style teachers?

Mr. WILSON. Will you repeat that question, please?

Mr. THOMPSON. From what you have said, do you believe that vocational training should be taken out of the hands of the old-style teachers?

Mr. WILSON. I do. While I believe the old-style teacher can contribute to the vocational movement. I feel that the control of the vocational schools should be under an entirely different type of schoolman.

Mr. THOMPSON. What kind of a type, and how would you operate a system of vocational schools. If you have an opinion on that subject?

Mr. WILSON. Well, a man who has had practical experience, who knows industrial conditions as they are, a man who is capable of eliminating some of the nonessentials in school work and bring the vocational movement up to the industry, making a point of contact between school and industry. As it is organized at the present time, there is no point of contact. Sixty-five per cent of the boys and girls leave school at the age of 14. The trade will not take them until they are 16, and it means that for two years the boys must wander the streets and have no trade and do such work as messenger boys and delivery boys.

Mr. THOMPSON. In reference to the control of such a system, would you have any boards of business men and employees?

Mr. WILSON. Yes, sir.

Mr. THOMPSON. And how would you organize such a board, if you have an opinion?

Mr. WILSON. I would have the board made up of representatives of various occupations, both of employers and employees. Then I would appoint subcommittees for each trade of each line of work offered in the vocational schools, having the subcommittees made up of an employer, two employers and an employee, or two employees. I do not feel that one advisory board can advise in the establishment of large trade schools. I feel it is necessary to have subboards or subadvisory committees to get different ideas.

Mr. THOMPSON. Mr. Basford said on such a board he would have two representative employers, two of employees, and one educator. Dr. Steinmetz said yesterday that in the case of the employees he would not have them selected either by political parties or by any general body of citizens, but in order to keep them from corporate influence he would have them selected by organizations of labor, purely as such. What have you to say in reference to both of those ideas?

Mr. WILSON. In the first place, I think the idea of having two members from labor organizations and two members from the manufacturers and one man is perfectly sound. It is rather hard sometimes to get the right kind of men to take an interest in school work. They seem to feel that the school is out of touch with industry, and in many cases they are interested in their own apprenticeship schools, and it is rather hard to get those men to take the interest in school work. But I think it is necessary to have men of big, broad viewpoints and to spend some time in working out courses and plans for school work, and I would think that the suggestion that the laborers' side suggest certain men or certain names would be very satisfactory.

Mr. THOMPSON. Of course, Dr. Steinmetz is a chief consulting engineer of a very large company.

Mr. WILSON. Yes, sir.

Mr. THOMPSON. And he gave one reason that the local industry could control the vocational education of a community was that it would be practically education along that one line of business. Does that appeal to you as an objection to the appointment by the ordinary politician to the membership of a board?

Mr. WILSON. No, sir; I think it is advisable to train for the local industry, if they have a future. In case they are not unskilled I would say not to train them.

Mr. THOMPSON. Have you any views in regard to the relationship of vocational training to the industrial and social needs of the State?

Mr. WILSON. There is not any question but what there is a decided lack of skilled workmen. I think what Mr. Basford said this morning about the corporations developing their own apprenticeship schools is simply the result of the lack of skilled workmen. I feel that they have come to see the necessity of having men who are qualified to do skilled work, and it seems to me that the school in giving boys first a general training along perhaps servile lines, which we call pre vocational, and then allow them to specialize in some special trade line, will do much to relieve the situation.

I do not feel that the corporation school will solve the problem, when 65 per cent of the boys and girls leave school at the end of the sixth year and can not enter industry until 16 or 17 years of age; it seems to me the school has a very decided and clear-cut problem to face.

Mr. THOMPSON. Have you any views as to the compulsory part-time school for children between 14 and 16?

Mr. WILSON. Our law provides at the present time for a compulsory part-time school by local option. That is, a city may decide to have a compulsory part-

time continuation school, but we only get State aid for trade-extension work. There are three departments—the general continuation work, which deals with academic subjects; the second, the trade preparatory, to prepare them for trade; and, third, trade extension. Our law provides simply for State aid for extension work. The law is really very unsatisfactory.

Mr. THOMPSON. In what respect would you change that, and how would you take care of the children you speak of?

Mr. WILSON. I would change the law so as to give State aid for all departments of continuation work. The law of Wisconsin gives State aid for all kinds of continuation work; the law of Massachusetts was revised last year, and they gave State aid for all types of continuation work; and I imagine we will do the same thing in this State next year.

Mr. THOMPSON. In your opinion, would that take care of the children between 14 and 16 who are on the streets?

Mr. WILSON. Take care of all children between those ages; yes, sir.

Mr. THOMPSON. Have you anything more to say on that particular subject?

Mr. WILSON. I think that law is only a temporary arrangement. I think eventually our compulsory-attendance law will be increased to compel all boys and girls to attend school until they are 16, and then the continuation school will take care of the girl until 18.

Mr. THOMPSON. Do you believe in such a law?

Mr. WILSON. I do; yes, sir.

Mr. THOMPSON. That seems to be the general view of the people in this State that are connected with education; isn't that practically true?

Mr. WILSON. I think so. I think not only people connected with education but people who are interested in industry.

Mr. THOMPSON. Have you any views with reference to the question of the relation of industrial education and industrial unrest?

Mr. WILSON. The subject of industrial unrest is rather a hard subject to discuss. My own personal opinion is that the industrial unrest, to a large extent, has been caused by the development of highly specialized machinery in industry. A man who is a very small part of a large concern feels dissatisfied, and really causes a certain amount of dissatisfaction and unrest. I think the people who are trained in vocational schools or who have had a certain amount of trade training will feel their connection with all parts of industry. They can feel that they are a part of the big development of industry, and see their relation to the other parts, and I think it will do a great deal to relieve the unrest.

Mr. THOMPSON. Is there anything further you would like to say?

Mr. WILSON. No, sir; I think not.

Mr. THOMPSON. That is all.

Chairman WALSH. Are there any questions?

Commissioner LENNON. I would like to ask a question.

Chairman WALSH. Very well.

Commissioner LENNON. Mr. Wilson, which field of operation do you believe has the largest possibilities of usefulness—continuation or part-time schools or vocational schools?

Mr. WILSON. Well, I think the continuation and the part-time schools have a much larger field than the all-day vocational school.

Commissioner LENNON. The experience in these schools that you have recited, that you have a number of, would that indicate to you that the acquiring of the trade in the shop was preferable to acquiring it in the school?

Mr. WILSON. No, sir; I don't think so. I think if the trade work is properly organized, if it were possible to learn a trade in the shop, it is perfectly satisfactory; but it is not true. A large per cent of the people working in the large shops are working on piecework. They will not take the time to teach a boy to operate a machine. They simply teach him in many cases how to do the work and not why, and it seems to me the school will have to meet the shop condition halfway and teach the boy why.

Commissioner LENNON. Is it not possible and probable that the State will intervene to protect her children that go into the industrial life, that they must be taught?

Mr. WILSON. It seems to me it is advisable to do that; yes, sir.

Commissioner LENNON. I notice most of the men and women who speak on this subject have something to say about skilled and unskilled workmen.

Mr. WILSON. Yes, sir.

Commissioner LENNON. What appears to you to be the obligation of the State to give the necessary training to the unskilled workman, to the man that uses

the shovel and the pick? There is just as great a proportion of men who do that work that don't know how to do it as there are of skilled machinists. What are you going to do with those people?

Mr. WILSON. Personally, I believe that any educational system can well afford to make a man a better workman, regardless of his job. If he is digging a ditch, it seems to me we can teach him how to dig a ditch just as well as we can teach a machinist how to properly handle his tools.

Commissioner LENNON. In your judgment, they are entitled to consideration?

Mr. WILSON. I think so; yes, sir.

Commissioner LENNON. What trades are being taught in the schools now in this State?

Mr. WILSON. Various forms of woodworking, called carpentry, cabinetmaking, pattern making, molding, electrical work, machine-shop work, printing, plumbing, bookbinding.

Commissioner LENNON. Well, that is sufficient. Have they been long enough in existence to judge as to efficiency of the students after they go out into industry?

Mr. WILSON. In some cases; yes, sir.

Commissioner LENNON. Have they made good?

Mr. WILSON. They have made good, absolutely; that is, I should say 80 per cent have made good.

Commissioner LENNON. That is all.

Commissioner O'CONNELL. How long have they served? You certify that John Smith is a machinist when you turn him out?

Mr. WILSON. No, sir. They serve two years in vocational schools as a rule, and in some cities we have agreements whereby one who serves two years in a vocational school will receive one at the end of his apprenticeship. Serves two years in school and receives one year's credit on his apprenticeship training, starts in at the beginning of the first year out of school at \$9 a week; the second year he receives \$12, and at the end of two years he receives a bonus of \$100 in cash for taking the course.

Commissioner O'CONNELL. You say that the cause of the industrial unrest, in your opinion, is largely because of specialization. Still you say we are not sufficiently supplied with skilled mechanics. How do you place those two together? Are we going to go on with the one side specializing and the other side making skilled mechanics for which there will be no employment?

Mr. WILSON. If a man is only a specialist, he is a very small part of a large trade. If he has had general all-around training and then specialized, he can change from one machine to another without the loss of efficiency. When another man leaves a machine he can gradually work up the ladder. But the man who specializes on a lathe has to stay on that machine his entire life unless he wants to go to another and work up again. The boy who is not offered a chance to get that training—

Commissioner O'CONNELL. Isn't there a possibility in some one or two or three trades that they are going to make a specialty of in the schools? For instance, machinists. There is no school that I know of in the United States that has not something to do with machinists in their make-up.

Mr. WILSON. Yes, sir.

Commissioner O'CONNELL. That trade seems to be a common trade for all schools. If they pick that out and are going to start it in all schools, in every city and town in the United States, what is going to be the inevitable result? If all the whole machinery of our country is going to be turned into the training of machinists—

Mr. WILSON. As an illustration, in Gloversville, N. Y., we have a school in glove making, which is just as essential for that town as a machine shop would be in New York City. The idea is to organize a vocational school to train pupils for the dominant industry for that particular community. For that reason we would not have a machine shop in a town that did not employ machinists.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you, Mr. Wilson.

Call your next witness, Mr. Thompson.

Mr. THOMPSON. Is Mr. Winslow here?

(No response.)

Chairman WALSH. I received a note saying that he was out of the city and will not be back until Wednesday.

1870 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. THOMPSON. I have called all of the witnesses, and we have no witnesses here. There are three, and if they come this afternoon we would like to hear Miss Watson and Mrs. Brown.

Chairman WALSH. Are they here now?

Mr. THOMPSON. They are not here now.

Chairman WALSH. Has there been an arrangement with them to be here at some hour?

Mr. THOMPSON. An arrangement with them to be here this afternoon.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock. We will meet at 2 o'clock in this room.

(Thereupon, at 11.45 a. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will please come to order. Call your first witness, Mr. Thompson.

Mr. THOMPSON. Is Dr. Maxwell here?

Mr. Tompkins is the only witness here, Mr. Chairman. Will you please take the stand, Mr. Tompkins?

TESTIMONY OF MR. ROSWELL D. TOMPKINS.

Chairman WALSH. Mr. Tompkins, a few days ago Mr. D. E. Waid, an architect, was upon the stand and made this statement: One additional point which we regard as very serious is the influence of unions against trade schools. Fear of an overplus of mechanics and a consequent lowering of wages seems to have influenced the unions to assume a hostile attitude toward trade schools, resulting in an arbitrary interference with the rights of a young man to choose his trade or even be permitted to learn a trade. Now, after the hearing you told me you would undertake to gather a little data which you would give to the commission later on the attitude of trade-unions of New York City, especially toward vocational training and education. I wish in as concise and complete a way as possible you would make your statement.

Mr. TOMPKINS. Mr. Chairman and members of the commission, I might state that I took exception to those remarks made by Mr. Waid, as he is not able to speak at all for the members of building-trades unions. In fact, I don't know that I have ever seen the gentleman myself, and naturally if he is not attached to us he don't know anything about the inner workings of the council of the United Board of Business Agents.

I might state that about three years ago we were approached—that is, the office end of it—by a committee of ladies representing the vocational educational survey of this city. At that time they presented a sort of program that they would like to get the cooperation of the building trades on to bring the matter up before the different unions, and I might state that they were ably assisted by not only myself, as secretary of the board, but by every member of the boards. We even furnished the committee of ladies with a printed directory, at their request, and I notified various members of the board of business agents to meet them in conference to take up their respective crafts and the best way of bringing the matter before their union, and eventually it led around that we made an arrangement with Dr. Maxwell, of the department of education, to take the matter up with him in reference to instructors and how the examinations were held for the practical crafts in the building trades. I might say that Dr. Maxwell was very courteous to the committee. I was a member of that committee, and we spent a very pleasant hour and a half, probably, in talking this matter over and what could be accomplished with cooperation. Up to that time we had no information that cooperation was desired by either the department of education or the vocational education survey of the building-trades union. Naturally, of course, being ignorant of cooperation being desired, we knew nothing of what was going on until we were approached, and we immediately then took the matter in hand.

I might state, then, that the result of our conference with Dr. Maxwell was that, I believe, John Shields, or Alexander Shields—that is, the superintendent of the evening trade schools of the city of New York; I might not have his name right; Shields, I think, is his name—we received a letter from him, and he outlined in that letter that they would like to have the cooperation of the building-trades unions in their trade schools. I will state I was appointed then a committee by the board to visit the Murray Hill Evening Trade School, which is situated in East Thirty-eighth Street between Second and Third

Avenues, and I was very courteously received by the principal of that school, Mr. Morris E. Siegel—taken all through the different classrooms—and at the same time that I guaranteed them that in making my report back to the board that the building trades were, according to our conferences with Dr. Maxwell, would give all the cooperation possible. I reported my visitation to the Murray Hill Evening Trade School and what I had seen, and recommended that the matter be taken up with the various unions affiliated with the executive council, which was done.

I will state that I have here many letters from the Murray Hill Evening Trade School, from the department of education, our correspondence with them, and also the circular letters that we issued to our affiliations. In the last winter's class in the Murray Hill Evening Trade School there were three classes organized from the electrical workers' union apprentices and helpers, and the instructors were selected from the electrical workers' union on examination, and I might state that in four or five other crafts that they would have taken up a classroom for their apprentices and helpers if the material had been furnished by the city of New York. For my own craft, which is tile laying, I will state that the committee that visited on behalf of the tile layers' unions in this Murray Hill Evening Trade School, they reported back that there was no appropriation to purchase the materials necessary for the work of the students of that class. Well, it would be an impossibility for any union in the building trades to take and furnish the materials to a vocational school. The craft that I represent—while I was not a member of the committee, I had acted as a committee of the board and investigated for them the trade schools or vocational schools. I will say for my own craft that it would be impossible to furnish the tiles, sand, and cement, which would be the main component parts to learn that trade, to be used by the students, as it would be a costly experiment, and it would be costly in any line for the union to take and furnish those materials. We believe that if a vocational school is to be established by the city that the city should make appropriations for all materials necessary. We are fully convinced that cooperation will be given, providing those requirements are met. We know that if the materials are furnished, we know that the students in those classes there will get the best of teaching. We know that the examinations which Dr. Maxwell informed us would be held amongst practical men, we know that that has been a fact, because on March 1 application blanks closed, I believe, for the next season, which commences in October, for the teachers to be taken from that competitive class.

I may say further that a good many people are under the impression that a trade-school student or trade-school graduate—I am talking now of private trade schools, not vocational schools of the city of New York under the department of education—that just as soon as they put in a term or two in those trade schools they get a diploma or certificate certifying their competence to do this or that, and they lost sight of the fact that in the majority of the trades in the building line there are certain requirements of apprenticeship and of the helper system that you must serve so many years either as an apprentice or a helper at that industry before you can take an examination in order to advance yourself to journeyman. That is true, I know, in the tile layers' association, and it is an international rule. You must serve four years as a helper. I can go back to the time when I myself became a member of the tile layers' union, which was organized in this city December 5, 1883. Three years prior to that I was working at the trade, before the union was ever formed in this city, and at that time any helper that had served three years, up to the time the organization was formed in this city—three years was the requirement before ever he had a chance to handle any tools for any employer; and there were very many in this city at that time. Since that time the international union has established the four-year term for a helper. The tile layers here of New York have established and permit an improver, and a tile layer will make a request for an improver, and I believe all the building trades follow that system, and if a practical man is allowed to take an examination for instruction I believe the cooperation may be had whenever asked for at any time at all; that it will be given willingly.

Chairman WALSH. Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. No.

Chairman WALSH. Or you, Mr. Lennon?

Commissioner LENNON. No, sir.

Chairman WALSH. That will be all then, thank you, Mr. Tompkus.

Call your next, Mr. Thompson.

TESTIMONY OF MR. ARTHUR WILLIAMS.

Mr. THOMPSON. Give us your name, address, and your position, Mr. Williams.

Mr. WILLIAMS. My full name is Arthur Williams; my address is Fifteenth Street and Irving Place, and I appear here as designated in the subpoena, president of the National Association of Corporation Schools.

Mr. THOMPSON. Do you occupy that position?

Mr. WILLIAMS. Yes, sir.

Mr. THOMPSON. For how long have you occupied that position?

Mr. WILLIAMS. I am nearing the end of my second term as president, having occupied the position since the organization of the association.

Mr. THOMPSON. How long are the terms, please?

Mr. WILLIAMS. One year, Mr. Chairman.

Mr. THOMPSON. And the association has been in existence about two years?

Mr. WILLIAMS. Just about two years; yes, sir.

Mr. THOMPSON. What other positions do you occupy, Mr. Williams?

Mr. WILLIAMS. I am president of the American Museum of Safety, and professionally I am an electrical engineer.

Mr. THOMPSON. As an electrical engineer, are you connected with any company or corporation?

Mr. WILLIAMS. Connected with the New York Edison Co., but not as electrical engineer so much as in a business relationship.

Mr. THOMPSON. How long have you been connected with the New York Edison Co.?

Mr. WILLIAMS. Since 1885. I might say that that company was not organized as far back as that, but I have been connected with the New York Edison Co. from the time it was organized, and prior to its organization I was connected with its predecessor company, the Edison Illuminating Co., of New York, since 1885.

Mr. THOMPSON. In the course of your connection with the Edison Co., has the need of corporation schools come to your attention?

Mr. WILLIAMS. I don't know that it was so much my connection with the Edison Co. that the need for the corporation school came to my attention, because a large electric light and power company, such as the New York Edison, would naturally draw to it a very high grade of employees, to a certain extent college men, and also to a certain extent it would naturally draw to it the pick of men and of women who were engaged in earning their livelihood.

Mr. THOMPSON. What was the reason for the creation of the National Association of Corporation Schools, if you know?

Mr. WILLIAMS. I don't know that I could answer you otherwise than by deductive process of reasoning. The New York Edison Co. started a technical school about seven years ago for the education of its own employees along various highly developed technical lines.

Mr. THOMPSON. That was not a school for the youth?

Mr. WILLIAMS. Yes, sir; it was a school for any employee of the company, young or old, who might desire to perfect himself in the electrical art. It was a school with the widest course of instruction given by experts, partly in the theories of electricity, partly in the theories of electrical engineering, in the theories of machine and dynamo construction, of heat and various natural phenomena, and partly in the operating of the plants of the company, to insure a very high grade of service on the part of the employees.

That appeared to be so successful in securing a larger personnel mentally and, I might say, personal development, rounding out of the men of the company in that direction, that we decided to extend the work into a field that had not been previously covered by any industrial school; that is, in the commercial department, practically, with the thought that men could be developed, educated, or trained along so-called commercial lines, which had not theretofore been apparent.

We studied the subject, however, both here in this city and in other cities, and came to the conclusion that there might be—probably would be—the same chance for personal development along commercial lines. By that I mean along the lines of developing men and, to a certain extent, women who could properly represent a large corporation before the public. Then we started the school. That was later followed, having shown the movement to be a very great success, by the starting of an accounting school, in which bookkeepers were taught the higher work in accounting; and all these three departments in

specialized industrial training having proven so great in value, a great deal of attention was attracted to them. Through that it seemed well to join in the movement to organize this national association.

I think that fairly represents the process by which the movement was organized a few years ago.

Mr. THOMPSON. In other words, the impetus or original idea came from the Edison Co.?

Mr. WILLIAMS. Yes; I think, without attempting to take undue credit—I do not want to say that the original idea came from the Edison Co.—but I am of the opinion that the thought of cooperative effort, the desire for bringing together in some organization the knowledge that was being acquired on the subject, perhaps first suggested itself to the men of the Edison Co. who were engaged in this educational work.

Mr. THOMPSON. Will you tell us, as briefly as you can, the scope and the purpose of the organization?

Mr. WILLIAMS. The scope of the organization and the purpose—well, the scope of the organization—the intended scope is to be as nationally as practicable and to cover as many departments of industry as can be brought into this association. The membership to-day covers—I think there are 76 large corporations in the membership, and they represent 33 different lines of industrial activity in the country. The capital, the aggregate capital of the membership, I am told, is in excess of \$2,000,000,000, and the members have pretty near 1,000,000 employees.

Mr. THOMPSON. Have you got a list of the companies with you?

Mr. WILLIAMS. Yes, sir; I haven't it with me, but I can furnish it to you.

Mr. THOMPSON. Would you be willing to do that?

Mr. WILLIAMS. I would be very glad to do it; yes, sir.

Mr. THOMPSON. Proceed.

Mr. WILLIAMS. The purpose of this movement, first, is not to touch upon any organized educational movements in existence to-day. While we do not agree in the objective of some of our educational activities altogether, the basic purpose of this movement is to carry, broadly, education into the ranks of the industrial workers of the country, to take it to men who otherwise would have no opportunity to become trained especially in their own industry, and very broadly at least to a certain extent, as men might become trained who have the advantage of the university or the high school.

Mr. THOMPSON. The need for such a school I think you have stated, so far as the Edison Co. is concerned. Is there any addition you would like to make to this statement, covering other industries, or covering the Edison?

Mr. WILLIAMS. Well, I don't think I need to add anything in regard to the electric-light industry. I think that industry, as a whole, is very much favored, in that it attracts to it naturally a very high grade of employee, but when you take into consideration this fact, which I understand to be a fact, that less than—that less than 6 per cent of our entire population ever gets any educational opportunity beyond the average graduating point of the elementary school; that is to say, whatever education they may acquire after leaving the elementary school, to the extent of about 94 per cent of our entire population, the extent is the result of the accident of their environment. When you also recall that modern industry, because of the highly specialized state into which it is growing, has taken out the old-time continuation school, which was the apprentice system, I think the mere appreciation of those facts will irresistibly suggest the necessity for carrying some kind of general as well as vocational education into the ranks of the industrial workers of the country.

Mr. THOMPSON. In a general way, take these schools in other lines of industry than yours, what sort of training would they be expected to give? Would it be more particularly what the old apprenticeship system should have been, or would it include other things than merely the instruction in the trade?

Mr. WILLIAMS. I don't think the old apprentice system will ever come back, because there is not the need for it with highly specialized machine development in industry to-day; that is, you take the old-time compositor of type, he was a man who served a long course of apprenticeship, and became very broadly trained, if not—in fact I think I am justified in using the word he became very broadly educated, and I think he stood as a type for practically all industry where the continuation school as represented by the old-time apprenticeship system was followed. The typesetter to-day has taken his place—a man simply pushes the buttons and turns out the type.

Therefore I do not think that the old-time apprentice education will come back into industry, because of the highly specialized machine development which is a necessary part of industry to-day. Therefore my thought of industrial education is that it should seek to broadly train the industrial worker. Then not only along industrial lines; for instance, in the association we feel that our educational work should be divided into three classifications:

First, Health, which should include hygiene; recreation, and all matters which bear on the subject also.

Second, Vocational guidance, which should include hereditary tendencies, natural aptitudes, and all other factors which should enter into the probable selection of a life work. Of course, the latter refers to the younger man rather than the older man. The changing of employment from one position to another as his work indicated was better suited for him.

Third, Knowledge. This classification should be subdivided into two sections: First, general knowledge. Here only so much be taught as has not been given to the employee in the public schools. Second, specific knowledge. Under this classification should be taught those things which pertain directly to the company with which the employee is engaged, such as, for instance, the scope and organization and the policies of his corporation.

Any man who understands the scope of an organization, a large industrial corporation to-day, in that fact alone has a very broad and desirable training.

Mr. THOMPSON. Relating to trades or crafts or industries requiring technical skill, would you have the second a separate proposition or part of the industry to be worked out in the shop?

Mr. WILLIAMS. Where the shop is large enough, where the employer is strong enough, I personally favor an employees' school; but where that is not possible I am of the opinion now that I favor vocational schools, supported possibly partly by industry, partly by the State, or entirely by the State, which really means after all that they are being supported by industry, though less directly; but I think in any event the best spirit of the industry, specifically, as well as this effort toward a more general education after the graduating age of the general elementary school, should be the general objectives of this so-called industrial educational movement.

Mr. THOMPSON. Mr. Basford, testifying on the stand this morning, said that, in his opinion, from his experience as an engineer connected with railroads and having studied this question, that it would be better to take the young man—he was speaking more of the young man—into shops, have them work alongside of trained and experienced workmen who understood their craft, both in the sense of knowing how to do it and how to do it speedily, commercially he stated, that he thought that was better than to take them into school. What would you say specifically on that point?

Mr. WILLIAMS. I am of the opinion that the good workman is not necessarily a good teacher and—

Mr. THOMPSON. At that point let me say that he also added that a workman who had the human instinct and who had the teaching instinct should be picked out, if there were such workmen, who not only had the capacity, ability in the craft, skill, but also the instinct to show and demonstrate to the young men. With that kind of workmen he thought that that progress could be made.

Mr. WILLIAMS. Well, if a young man studying a trade is placed alongside a journeyman in that trade, in the first place he is very apt to repeat all the errors of that journeyman, if there are any. Of course you find very good journeymen who are perhaps perfect in their art; the percentage is not large. Confining my answer to the vocational training at this point, I wish to say that a specific industry would be very much more efficiently conducted by the apprentice who received his basic training from one who, understanding the industry, was also a teacher, and who spent his time not altogether at his particular work, but, being acquainted with his work, also made a study in educational movements. That is in reference to the specific industry. But the association with which I am connected stands not only for that, but at the same time an effort to give a much broader training to the student, to the apprentice, so that as the years go by he will be able to broaden out, as the apprentice of old could do as he grew, and become himself a foreman, a superintendent, a manager, and eventually an employer with a broader acquaintance with general matters which affect human life. And you see that additional training could not be given by a man—I mean to say excepting in special cases—by the man who himself is working at a bench.

Mr. THOMPSON. Perhaps, in justice to Mr. Basford, I ought to say that he further stated that in addition to this teacher worker, a man selected both for his art and his ability, there should run along supplemental to that a course of instruction, vocational in its character, which should be carried on by the public schools, and that by the dovetailing of those two they could furnish this broad development that every child, every boy, should have. That was his idea, of developing instead of having separate schools, which I rather gather is your idea. And to give you another idea, so that your mind will be directed to it, he stated that in that way he believed that this development of corporation schools could be made, and must be, a paying institution; whereas Dr. Stehmetz on the stand yesterday said that corporation schools could not be paying, but ought to be a philanthropic effort made by those in industry.

Mr. WILLIAMS. I should like to go back and draw your attention to this fact, which, I think, is a very important matter: The journeyman who is working could work with far less efficiency if he is really teaching an apprentice. He would lessen greatly his own output if his teaching was thorough, and I am of the opinion that no journeyman can teach who is not either a natural or trained teacher.

Now, I am absolutely opposed to any form of vocational training in the so-called elementary schools. I think the present-day objective of the elementary school is of a past generation. I don't think it is entirely modern; but, on the other hand, I think it would be committing a great wrong to growing children, boys and girls, say, under the age of 16—I prefer to put the age at 18—to at that time attempt any vocational teaching. I think they are entitled then to as broad an education as can possibly be given to them without any attempt other than that which results from their own aptitude to shape their minds in a vocational sense.

Mr. THOMPSON. Does your objection go to the point of prevocational training?

Mr. WILLIAMS. To the point of what?

Mr. THOMPSON. To the point of what they call prevocational training?

Mr. WILLIAMS. Well, in the sense that no effort should be made toward vocational training prior to the graduating age of the elementary school, I am unmitigatedly opposed to it. Now, you have got to eliminate the exceptional boy or girl from any such statement as that; but I am speaking broadly. I am speaking of the 800,000 children in the New York public and parochial schools.

Now, to the suggestion that corporation schools either must be made to pay or can not be made to pay, I am not in accord. I am very frank in admitting that the vocational schools—that is, the industrial vocational schools connected with our association—I am of the opinion, pay and pay handsomely their employers. There seems to be abundant evidence of that kind, that training greatly increases the effective—and when I say effective I mean the efficiency—that goes into the treasury of the concern, of the worker, has been placed as high as pretty nearly—well, one man in whom I have a great deal of confidence says he increases his average efficiency, based, of course, on theoretical calculations, from about 27 to 67 per cent, and assuming 100 per cent as being possibly attainable in his industry.

Now, so far as the corporations are concerned, I think they have got to justify the expenditure in vocational training, or in broad training and broader training, on the ground that it is going to pay for itself and perhaps a little more than that in the increased efficiency of the employee. But at the same time the employee himself gets a very much larger benefit from any educational effort of that sort following the completion of any well laid out educational course. Then, again, I think there is a very large benefit to society at large, so that while the principal benefit is that the thing shall pay from the standpoint of the employer, there are also two other elements of benefit to the individual and to the society, or to the State, that can not be left out of consideration.

Mr. THOMPSON. What share should the employees have in such schools, in your opinion, in the management?

Mr. WILLIAMS. Well, all of the schools connected with the association are really managed by employees—employees guided by their executives—but indirectly, at least, so far the guidance has come from men whose life profession is teaching.

Mr. THOMPSON. That is not what is meant by the question. The men who do guide these schools are reputed to represent the officers of corporations. Now, taking the employees as a body, should they be permitted to appoint representatives on a board of governors who control and guide these corporation schools?

Mr. WILLIAMS. Well, so far as the employees are concerned, I always favor using any special ability they have, if they have it, along educational lines. I should recommend using it. And, then, I favor also creating an alumni of the employees for the better guidance of this educational effort. But, in the ultimate development of this plan—because I think it has come to stay—I think it is going to be a permanent part of our educational methods, either as now laid down or as it may develop in the future; I think myself that it should be very largely guided by the best educational minds of the country, partly—

Mr. THOMPSON (interrupting). But in the selection of these minds, Mr. Williams, would you permit the workmen of the corporations to have a choice?

Mr. WILLIAMS. Oh, very gladly. In fact, I should favor at least a three-cornered selection—a selection by educational authorities, by employers, so that they might be sure that the direct purpose of their own work might become well known to their employees, and by the employees themselves—I mean the better class of employees.

Mr. THOMPSON. How would you put that into effect, Mr. Williams? What machinery would you create, or are you intending to create, to give the employees a voice in the selection of the teachers and in the selection of the curriculum of the school?

Mr. WILLIAMS. I am of the opinion that this profession is going to lead to a new profession, a new teaching profession in industry, and that the corporations will employ these teachers for this purpose from available sources. Now, that any improper influence of the employee could get into a teaching force of that kind, I can not believe.

Mr. THOMPSON. Let me put it a little more concretely to you. Assuming that the United States Steel Corporation should start several schools of this character in its various plants nearby, and they had a committee of five, say, to run these schools, select the teachers, and decide upon the course of instruction, etc. Would you advise the Steel Corporation, as president of this national association of corporation schools, that they should form this committee of five in such a way that the workmen of the United States Steel Corporation should elect two of the members, we will say, the corporation to appoint two, and that the one representing the public should be appointed as an educator and the fifth man.

Mr. WILLIAMS. I should see no difficulty whatever to such a course, but it is fair—I think I may frankly confess our association has not been able to satisfy itself as to the course of teaching, the best course of teaching to be followed. But assuming that an improved course could be selected, I mean the whole organization and method of teaching, and the things to be studied from year to year, that that whole thing had been pretty well planned out. It is a thing we have been trying to do for the last year or two.

Mr. THOMPSON. I may state Mr. Williams, that that was substantially, if I understand it correctly, the idea that Dr. Steinmetz, the vice president of your association, suggested.

Mr. WILLIAMS. Yes, sir.

Mr. THOMPSON. And also the ideas of Mr. Basford, who appeared this morning. You see no reason to object to those ideas?

Mr. WILLIAMS. I should say of joint management by the employees.

Mr. THOMPSON. Yes.

Mr. WILLIAMS. On the contrary, I should personally favor that course.

Mr. THOMPSON. Do you think that the State, through the public-school authorities, should exercise or attempt to exercise any control or advisory attitude toward such schools?

Mr. WILLIAMS. I think all the corporation schools should be identified with the State and the National Government educational organizations. I think that very desirable.

Mr. THOMPSON. What kind of information do you think the public schools should furnish with reference to vocational training where such training is taken up by special public schools?

Mr. WILLIAMS. Are you speaking now of the secondary course or the elementary schools?

Mr. THOMPSON. I understood that you stated that the elementary schools should not take this up at all, that they should confine their efforts to teaching the children a broad, basic education; therefore, I take it that any vocational training to be done by the public should be done in supplementary schools. Now, what course or what kind of schools should they organize, in your opinion, to handle that question?

Mr. WILLIAMS. To a certain extent, so far as I have been able to find, the attendance at the secondary schools devoted to vocational training in percentages is very small, while in some instances rather large numbers are given the percentage is exceedingly small, and while I have been impressed to a certain extent by certain trade schools I have never felt myself that the plan of organizing educational secondary schools where specific trades are taught will be successful unless the whole thing is entirely reorganized and carried out on a plan that has never been before attempted, with one or two possible exceptions.

Mr. THOMPSON. Well, have you any views as to such reorganization and what should be done?

Mr. WILLIAMS. I strongly favor, and I believe we will eventually come to it, the system under which, after leaving the elementary school, every boy and girl will receive a compulsory vocational training, perhaps somewhere between the age of 16 and 20 years.

Mr. THOMPSON. Do you believe that these schools should be instituted by compulsion of the State? Do you mean that the State should compel communities to establish such schools?

Mr. WILLIAMS. I am inclined to feel that that is the only way to obtain, generally, educational training.

Mr. THOMPSON. Would you also make the attendance by the pupils compulsory?

Mr. WILLIAMS. I think that is the only way to get them to go. I don't like the idea of making it compulsory, but if it is not made compulsory I don't think the objective will be accomplished.

Mr. THOMPSON. With reference to continuation schools, that is to say, part-time schools for children in the industries, between the ages of 14 and 16 years, what are your views with reference to such schools?

Mr. WILLIAMS. Well, I am personally very much opposed to children going into industry between 14 and 16. I think it is bad for the individual and bad for the State. Of course, any system which alternates between employment and education is bound to be inefficient; and while I am very much in favor of anything which adds to the education of boys and girls which have to go into industry between 14 and 16 I will favor and do favor that method of education which I believe is being followed in several New England cities, whereby the boys and girls go to school one week and work the next. I think that is very efficient, and as a tentative matter commends itself to me; but I don't think that will have a prominent place in the industrial system of this country.

Mr. THOMPSON. What do you think of children having an hour, for instance, taken out of the industry?

Mr. WILLIAMS. I don't think an hour, in that sense, would amount to anything. Now if I might call to your attention one very great advantage of the corporation school, which so far as I can see is obtained in no other school system, it is that the lesson which the employee gets through the school to-day he applies to-morrow, and it is not a long distance between. It is not a case at the age of 14 of his saying I am to do this sum in arithmetic or to know this place in geography which I may need to know when I am 27; but he gets his lesson to-day and puts it in operation to-morrow—that is, what he learns to-day becomes effective to-morrow—and I think the efficiency of that education is higher—the practical efficiency—for that reason above any other.

Mr. THOMPSON. Practically in the corporation schools how much time is given to the schools?

Mr. WILLIAMS. The time varies. I think the minimum would be about three hours a week throughout the year. I personally favor corporation schools being conducted on the employer's time, which means that the employer pays for the schooling.

Mr. THOMPSON. Is that done to any great extent?

Mr. WILLIAMS. To a certain extent. Now, if you carry on your corporation school at night, then the student goes to school in that State of mental and physical fatigue which results from his employment. There are certain lines of educational effort—for instance, one of the schools I am connected with is going to teach in the future year public speaking; and in that case the attendance will be optional, and the instruction will be given at night.

Mr. THOMPSON. What are your views with reference to the relation of industrial education to industrial unrest?

Mr. WILLIAMS. I am of the opinion that the present day industrial unrest results from the doing away of the old-time continuation school; that is, the apprenticeship training. You recall that lasted three to seven years and resulted, in my opinion, in a very well trained mentality. Now, that has been practically

eliminated from our great industrial centers, and to a certain extent, though not entirely, I attribute industrial unrest to the elimination of that form of education; and I think something else has got to be put back in the place of that in the lives of our industrial classes.

Mr. THOMPSON. In reference to the evils growing out of overspecialization, how are your schools meeting that?

Mr. WILLIAMS. Well, the evils that have grown out of overspecialization are purely personal. Society at large has benefited by the extreme specialization, getting more for the same amount of money and enabling them to regard as necessities to-day what were luxuries of yesterday. And I think there should be something to replace what has been taken out of the lives of the workers by the elimination of this apprenticeship system, and that will tend greatly to lessen the evils which so-called overspecialization has brought.

Chairman WALSH. Thank you, Mr. Williams. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Mr. Williams, you just used a phrase that the evils growing out of overspecialization was individual, while society itself profited from it. Can society, in the last analysis, ever profit from the individual evil of a great number of its members?

Mr. WILLIAMS. It can not. I think society, as a whole, is dependent entirely on the condition of the units of which it is made up.

Commissioner GARRETSON. There can be no really ideal condition exist in society as a whole until the ideal condition can also touch the greater portion of the members who compose it.

Mr. WILLIAMS. I should like to see it touch every member who composes it—young and old.

Commissioner GARRETSON. But it must of necessity touch the majority—

Mr. WILLIAMS (interrupting). Must touch the vast majority.

Commissioner GARRETSON. Before there is a truly good social condition.

Mr. WILLIAMS. That is my opinion; yes, sir.

Commissioner GARRETSON. Now, isn't it barely possible that a considerable portion of the unrest that exists at the present day is due to the unemployment of the specialized man, because he has no ability to secure and follow employment in other lines—has had no training for it?

Mr. WILLIAMS. I think you are entirely right. I think that if one of the evils that this educational movement will tend to correct.

Commissioner GARRETSON. But in reality there is a reaction on society at large or on the State, to use that term, from the present industrial method that is being employed of specialization?

Mr. WILLIAMS. I think that is entirely so.

Commissioner GARRETSON. Now, in the evolution of the industrial or vocational teaching, whatever it may take, is it not true that the type of teacher that will be most desirable to carry it forward to fruition will be evolved by the school itself, a combination of the trained mind or trained teaching faculty with a practical mechanical ability?

Mr. WILLIAMS. I am inclined to agree with you; yes, sir.

Commissioner GARRETSON. I used a phrase a moment ago—

Mr. WILLIAMS. Will you pardon me just a moment. I am of the opinion that the teacher of the future should be first of all a teacher in a very broad sense, with a very well developed personality and with thorough acquaintance with the thing he is going to teach. I suppose that is all covered—

Commissioner GARRETSON (interrupting). With absolute practical knowledge.

Mr. WILLIAMS. Practical plus theoretical; not wholly practical.

Commissioner GARRETSON. I used evidently an ill-chosen expression—with thorough practical knowledge coupled with theoretical knowledge.

Mr. WILLIAMS. Yes, sir.

Commissioner GARRETSON. You used the term "inefficient." First, you stated you were personally strongly opposed to the vocational schools—that is, the principle of the vocational school, I think possibly was the term employed; that is, that teaches the child from the ages, say, of 8 to 14 or 16 or 18, as the case may be, before the practical side of life is commenced; and you also opposed the students putting in a certain time in employment for wage and a certain amount of time in school on the basis that it was inefficient. Do you apply the term "inefficient" to the education of the child or to the employment, the ability to earn, the making of a future industrial unit?

Mr. WILLIAMS. I think the inefficiency is perhaps three-cornered. I think it is inefficient from the standpoint of the employer, which means industry. It is inefficient from the standpoint of the student in acquiring knowledge where the school course is broken up by a shop course, and vice versa. Though I think a great deal of good comes from it, you understand, I do not condemn it. I think it is a stepping stone for the future. I think it is also, speaking broadly, inefficient to take children and put them in industry at that age of life. I think that is one of the social problems of the day, how to avoid it.

Commissioner GARRETSON. Now, here is the thing that has appealed to me. I would like your opinion on it right in that connection, because you have made a study of it in the form that I have not. You take the average child from the age of, say, 6 or 8 up to 14 or 16; is it not ordinarily true of the average child that he would absorb as much knowledge—I am using “knowledge” now in the sense of education—as much education in the same period, if one or two hours per day were put in in what is virtually a manual-training school, where one would rest the child from the other? Because that same peculiarity develops itself in men. Don’t you think they would really get as much book knowledge in the same period, if an hour or two of the day’s service was given to a manual-school routine? They would get certain practical knowledge that would develop or rather determine their future fitness as mechanical and non-mechanical, for instance, at the same time they absorb the knowledge that they would absorb if there was no mechanical training connected therewith.

Mr. WILLIAMS. Well, I think it is very nice to be handy in the use of tools and things of that sort; but as I understand—I am speaking with a very great deal of diffidence, because naturally this is one of the very great problems before the educators to-day. But I am opposed personally toward any systematic effort in children of, say, between 6 or 8 and 14 or 16 tending toward the selecting of a vocation. I think that time should be spent in securing the present-day elementary school training—broadened out; that is, in the effort to develop personality, which, in my judgment, is of far more importance than to teach a child the handling of tools. The bringing out of politeness, the development of character, the development of the human side of the boy or girl of those ages; and that is largely left out of the present-day elementary training. I think that is far more important than any effort to shape at that age in life the vocational tendency.

Commissioner GARRETSON. In your opinion, then, that tendency would not foster individualism more than the ordinary school course does?

Mr. WILLIAMS. It might foster individualism. That is not so bad. But it would tend to force upon the child at the age when it should be developing, it seems to me, in other directions, the acquiring of proficiency in a vocation. I think the earliest time at which a boy or a girl should have that important question forced upon him or her is from 18 years upward.

Commissioner GARRETSON. One other question. Early in your statement you touched upon the fact that schools of this character, from your viewpoint, it would be well at least if they were partly supported by the employer and partly by the employee. Then, you rather qualified that by the statement that if it was supported by the State it was in reality supported by the industry. Now, if, according to the view expressed by you, the management of these schools, the choice of the curriculum and of the instructor and of the other measures connected with that is to be in a degree entrusted to the employee, do you know of any form or any machinery by which the employee could voice in an independent, uninfluenced way his sentiments, except through the machinery of his organization; that is, in general?

Mr. WILLIAMS. I think almost any employee—in fact, we are most of us prone to say that we haven’t a chance to be heard, but I think the whole world is so anxious to have good information on this subject, or any other subject tending to improve the conditions surrounding him in life, that anyone who has a light can find an opportunity to show it.

Commissioner GARRETSON. Well, I have known some instances—it seems to me I have instances—where a man did not get that free untrammeled right of expression until after he was superannuated. In most cases, I grant you, he has an opportunity, but not in some cases.

Mr. WILLIAMS. I think the very investigation you are making to-day is evidence of the fact that the lights have been seen.

Commissioner GARRETSON. Oh, they are shining more brightly at any rate than they were 10 years back.

Mr. WILLIAMS. Well, I don't think where a man has got a message that is going to improve industrial conditions, or, broadly speaking, the conditions which surround him in life, when he has a message that has merit in it, he is not going to be suppressed. It is going to find the light of day.

Commissioner GARRETSON. That is all; thank you, Mr. Williams.

Commissioner LENNON. I just want to ask one question. In that Edison school, does the common laborer—the fellow that handles the pick and shovel—if he desires to have the benefit of your school, can he be admitted?

Mr. WILLIAMS. He would be received with open arms.

Commissioner LENNON. There are some places where that is not true, I hear. Mr. WILLIAMS. There is no opportunity of any kind open to one man in that company that is not open to every man or woman in the employ of the company.

Commissioner LENNON. I will ask one other question. You expressed very plainly your opposition to continuation schools from 14 to 16. Suppose the State would undertake along the right lines continuation schools for boys and girls in an industry from 18 to 25, would your opposition still remain as strong as at the younger age?

Mr. WILLIAMS. That becomes a secondary school. I am speaking only of boys from 6 or 8 to 14 or 16. Beyond 18 boys and girls—I speak of those, of course, that are going into industry—are able to select, but I think, perhaps, 25 is too high a limit.

Commissioner LENNON. That is all.

Mr. WILLIAMS. Mr. Chairman, the national association has its proceedings of last year—its first and last conventions held at Dayton, Ohio, the next convention taking place next week—and I have taken the liberty of bringing several volumes here, and if you wish I might leave them with you as tending to show the nature of that work.

Chairman WALSH. I thank you very much, Mr. Williams. You may give them to the secretary.

Call your next, Mr. Thompson.

(Mr. Williams left with the commission two copies of the Proceedings of the First Annual Convention of the National Association of Corporation Schools, which are each marked "Witness Williams, Exhibit 1, June 2, 1914.")

Williams Exhibit No. 1, "First Annual Convention of the National Association of Corporation Schools, September 16-19, 1913," was submitted in printed form.)

TESTIMONY OF DR. WILLIAM H. MAXWELL.

Mr. THOMPSON. Give us your name, address, and occupation, if you please.

Dr. MAXWELL. Board of education; address 500 Park Avenue, New York City.

Mr. THOMPSON. You are the superintendent of schools in this city?

Dr. MAXWELL. I am.

Mr. THOMPSON. For how long, Doctor, have you had that position?

Dr. MAXWELL. Since 1898.

Mr. THOMPSON. There are some vocational schools established in this city, are there not, under your direction?

Dr. MAXWELL. Yes, sir; at least I suppose you would call them vocational schools.

Mr. THOMPSON. In regard to prevocational education, what, in your opinion, should the public schools provide in that respect?

Dr. MAXWELL. The most important thing, in my judgment, in the way of prevocational education consists of the ordinary studies of the public school—arithmatic, drawing, reading, writing, spelling, geography, history, and manual training.

Mr. THOMPSON. In manual training, Doctor, what do you include?

Dr. MAXWELL. I include under the term manual training any exercise that trains the hand to carry out the mandate of the brain.

Mr. THOMPSON. Such as sawing, hammering?

Dr. MAXWELL. Drawing.

Mr. THOMPSON. Drawing?

Dr. MAXWELL. Penmanship, any exercise with tools.

Mr. THOMPSON. That would include all that you would consider prevocational training?

Dr. MAXWELL. Yes and no. It would include all that I should regard as necessary for the brighter pupils, for those who are not retarded in any way. It would not include all that I should regard as necessary for those who reach the age of, say, 14 before they complete the elementary school course.

Mr. THOMPSON. What extra education would you give such pupils, Doctor?

Dr. MAXWELL. I should say that such pupils should get in some way the rudiments of a trade and more intensive work in drawings, particularly mechanical drawing, and such mathematics as naturally belong to the trade that they study.

Mr. THOMPSON. What would you do, Doctor, for those pupils who leave the school at the age of 14 and go into industry by way of giving them an education, particularly with reference to vocational matters?

Dr. MAXWELL. We have established in this city three schools for boys and one for girls of that class, in which we give a course of from one to two years. It goes without saying that those schools provide for only a very small fraction of the vast number of boys and girls of this character.

We have established in our evening schools evening trade schools for those who are engaged in various trades and which are very largely patronized. I do not think that this provision is at all sufficient.

Mr. THOMPSON. That is, the evening-school provision?

Dr. MAXWELL. The evening-school provision or the day-school provision, in the way of vocational schools.

Mr. THOMPSON. In the day schools you mean the part-time schools?

Dr. MAXWELL. We have not any part-time schools in this city.

Mr. THOMPSON. What schools do you call those that are in existence at the department stores?

Dr. MAXWELL. Those are continuation schools. We send teachers, we have some 9 or 10 of those classes, and we provide teachers when the class is organized and the demand appears to exist for it.

Mr. THOMPSON. What distinction, Doctor, do you make between part-time schools and continuation schools?

Dr. MAXWELL. I regard our evening trade schools, for instance, as continuation schools. They continue the work. The continuation classes in the department stores are intended to supply elements that are lacking in the training of the boys and girls who have gone into salesmanship or accounting.

Does that answer your question?

Mr. THOMPSON. In your division of schools, Doctor, do you have any schools called part-time schools?

Dr. MAXWELL. We do not.

Mr. THOMPSON. You do not?

Dr. MAXWELL. We do not; no, sir. By the part-time school I understand a school in which the pupils will be in school one day, the next day in a mercantile establishment, or one week in school and the next week in a mercantile establishment, or possibly some of the hours of the day in one and some of the hours of the day in the other. We have no schools of that character.

Mr. THOMPSON. It has been stated, Doctor, on the witness stand to-day that the progress of vocational schools under the New York State law has been much slower in this city than in other parts of the State. If that is so, what is your idea and reason therefor?

Dr. MAXWELL. I have no reason to believe that such is the fact.

Mr. THOMPSON. It was stated to be so by one of the members of the State board of education who was on the stand this morning.

Dr. MAXWELL. I didn't know that we had a State board of education.

Mr. THOMPSON. I may have the name wrong; Mr. Wilson was the man, Doctor.

Dr. MAXWELL. I thought he was President of the United States.

Mr. THOMPSON. I see you are thinking of a different man, Doctor. I will help you out. Lewis A. Wilson, Doctor?

Dr. MAXWELL. I haven't the honor of the gentleman's acquaintance.

Mr. THOMPSON. Who appears to be, as testified, at least, connected with the division of vocational schools, Department of Education, State of New York.

Dr. MAXWELL. Oh, yes. I presume he is a gentleman employed in that department. The department of the commissioner of education.

Mr. THOMPSON. He stated so.

Dr. MAXWELL. I have never met the gentleman that I know of.

Mr. THOMPSON. He gave some figures here that are a part of our records, Doctor, which showed and fairly justified his statement, that of the thousands of children engaged or taken care of in vocational schools many times the larger number were in schools outside of this city, and I wondered if you had anything to say in that regard.

Dr. MAXWELL. There is one thing that possibly should be thought of in connection with any such statement. We have in this city many private or semi-public institutions of very high character, such as the Pratt Institute in Brooklyn, the Meehanes' Institute of New York, Cooper Institute, the New York Trade School, which do very effective work, very excellent work. They are probably unsurpassed in this country, so that the opportunity for young men—and the Pratt Institute, also, for young women—in those institutions are very great.

Mr. THOMPSON. Now, Doctor, is an institution of the character you have named—I didn't get the name clearly and definitely, and I would not dare repeat it—are they open to the children of the poor without tuition?

Dr. MAXWELL. So far as I know, I do not think the Cooper Institute charges any fee. I think the others do. I think the others do, but they are all of a very advanced character.

Mr. THOMPSON. Is there any opposition, so far as you know, on the part of the board of education—if that is the correct name—of the city of New York against the establishment of vocational schools in this city?

Dr. MAXWELL. There is not at the present; no, sir. The only trouble has been to get the money.

Mr. THOMPSON. Then, if Lewis A. Wilson stated that his opinion was that there was opposition here by the old-style school-teacher to the institution of vocational schools, in your opinion he was not correct?

Dr. MAXWELL. In my opinion, he is not correct.

Mr. THOMPSON. In regard to the management and control of vocational schools, Doctor, have you any idea as to where the control should be vested: in what kind of a board, if it should be a board, and as to what elements of society and classes of men should make up the membership of such board?

Dr. MAXWELL. I see no reason why the control of that work should be taken from the board of education.

Mr. THOMPSON. If the control of such work was in the hands of the board of education, should there be—as the law now provides, I understand—an advisory board or council, consisting of employers and of workmen to co-operate with the ordinary school board in the selection of teachers and the deciding of the course of studies?

Dr. MAXWELL. I think such a board would be very advisable.

With regard to the selection of teachers, you are possibly aware that under the charter of the city of New York all teaching positions, with the exception of a very few that are exempted by the charter, all teaching positions are filled by competitive examinations.

Mr. THOMPSON. Those examinations, Doctor, are conducted upon a list of questions or tests prepared by some one else?

Dr. MAXWELL. Are prepared—I don't know whom you mean by some one else.

Mr. THOMPSON. I mean by some one other than the applicants for the position?

Dr. MAXWELL. No applicant prepares the questions.

Mr. THOMPSON. Therefore those questions are prepared by other people, and would it be wise to have an advisory board upon which there might be workmen and employers who would have some voice in the preparing of those tests for teachers?

Dr. MAXWELL. I should not like to give an opinion upon that, because it is something I have never tried.

Mr. THOMPSON. In your opinion, Doctor, would it be wise to have a compulsory State law compelling communities throughout the State to establish schools for vocational education?

Dr. MAXWELL. I am not prepared to take that position yet. I think it is better to let this work go. And, by the way, if I may add something to what I have already said.

Chairman WALSH. You may, Doctor.

Dr. MAXWELL. The term vocational training, which means preparing for a calling, should not, in my judgment, be confined to preparing for mechanical art. For instance, we established in New York City the first purely high school of commerce in America. We now have two such schools. In those two schools there are now between 6,000 and 7,000 students. The schools devote their entire time and energy preparing for commercial pursuits. They are not able to supply the demand of the business men of this community for their help. I do not see why those should not be called vocational schools, just as much as a school that teaches carpentry or plumbing or electric wiring.

Mr. THOMPSON. Well, in your vocabulary they would be so included, would they not?

Dr. MAXWELL. They would be so included.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Commissioner GARRETSON. Dr. Maxwell, what is your school term—nine months?

Dr. MAXWELL. Sir?

Commissioner GARRETSON. What is your school term—nine months?

Dr. MAXWELL. The school term is 10 months; almost 10 months.

Commissioner GARRETSON. One witness opposed the idea of vocational schools, although you have defined them virtually as manual training, on the ground that the entire time of the child up to a certain age should be given to the acquirement of knowledge and that that should not be abridged. As a practical educator, do you believe that a child in the school term would acquire any less book knowledge if an hour of the day was taken up in manual exercises, as you define manual training?

Dr. MAXWELL. I am quite sure it would acquire just as much knowledge.

Commissioner GARRETSON. Just as much?

Dr. MAXWELL. Just as much.

Commissioner GARRETSON. In your opinion, is not the tendency of the child to become track sore, or stale, broken up by the manual training in which he is interested?

Dr. MAXWELL. Yes, sir. I have been fighting for that idea for 25 years.

Commissioner GARRETSON. The same idea develops itself in the man?

Dr. MAXWELL. Yes, sir.

Commissioner GARRETSON. As well as in the child?

Dr. MAXWELL. Yes, sir. And I have had to stand the abuse of advocating facts and frills because I have held that position.

Chairman WALSH. That is all; very much obliged to you, Doctor.

Call your next witness, Mr. Thompson.

TESTIMONY OF MR. EDWARD F. BROWN.

Mr. THOMPSON. Give your name and your address and your business, please; your occupation.

Mr. BROWN. Edward F. Brown; 105 East Twenty-second Street; social worker.

Mr. THOMPSON. Are you vice president of the International Child Welfare League?

Mr. BROWN. Yes, sir.

Mr. THOMPSON. Have you had occasion to study the question of child labor?

Mr. BROWN. I have, both as special agent of the National Child Labor Committee, for whom I have traveled extensively, studying at first hand conditions under which children work, and now as vice president of the International Child Welfare League. I have occasion to direct in an advisory capacity special investigations into the subject of child labor.

Mr. THOMPSON. Have you yourself had any personal experience in that line?

Mr. BROWN. I have. I have traveled approximately 45,000 miles in the last three years studying the children working in the mines and in the factories, in mills and workshops of all kinds, in all the States practically this side of the Mississippi.

Mr. THOMPSON. Have you seen children working in those places?

Mr. BROWN. I found children, some as young as 5 years of age, working in the oyster canneries of the Gulf Coast States. I found children of 11 and 12 working in the coal breakers of the anthracite coal region. I found children of 5 years of age and upward working in the vegetable canneries of New York, Vermont, and Delaware. I found children in the cotton mills of the South, many of them under 12.

Mr. THOMPSON. How late have these investigations of yours been made?

Mr. BROWN. All within the past three years; three and one-half years.

Mr. THOMPSON. In any of those States were there child-labor laws, if you know, prohibiting such children from working?

Mr. BROWN. In all the States there was some standard of child-labor laws, although some of them were very low. In the State of New York, where we are presumed to give the working child the maximum of the law's protection, even

here up to last year children as young as 5 years of age were to be found working in the vegetable canning sheds of the up-State factories. In the city of New York, in the unregulated industry of the home, home working—that is, the employment of children in the homes—working on things for factories, manufacturing children's dresses, cracking nuts in the homes, or working on garments of all kinds, and, in some cases, working on food supplies.

Mr. THOMPSON. Take these children that you say were as young as 5 years working in the oyster canneries, Gulf Coast States; what States were those?

Mr. BROWN. In Mississippi, Alabama, Florida, and Louisiana.

Chairman WALSH. What locations were they there? What were the various cities?

Mr. BROWN. Well, in Biloxi, Miss., children as young as 5 years of age were found to work as early as 3 and 4 o'clock in the morning. These children come down to the South from Baltimore largely, in large groups, whole families being contracted for by padrones. They are housed on the premises of the canners, and as the cargoes of oysters come in the children are awakened sometimes as early as 3 o'clock in the morning and taken out into the shed to shuck the oysters or to pull the shrimp.

Mr. THOMPSON. What other places could you name?

Chairman WALSH. What nationality are these children?

Mr. BROWN. They are largely Poles and Bohemians, although a great many Americans—local Americans—work in those industries.

Mr. THOMPSON. What other places outside of those two you have named?

Mr. BROWN. Pass Christian, Miss.; Dunbar, La.; Appalachicola, Fla.; Bayou St. Louis, Miss.; and all through the Gulf Coast States, almost within a stone's throw of one another, these canneries are located.

Mr. THOMPSON. If you know, do the laws of those States permit children of 5 years of age to be employed in industry?

Mr. BROWN. In some of those States their laws prohibit the employment of children, such as in Mississippi, where the law prohibits the employment of any child under 12 years of age. That law is ineffective in so far as the legislature has failed to provide the means with which to enforce that law. In Alabama, for instance, where children are prohibited from working under a given age, I think it is 14, the factory inspection department is in the infancy of its organization. They have there, for instance, the inspection of jails, almshouses, and factories, merged in one department, and the force of inspectors is so small that it is impossible for them to give attention to all the factories and canneries in the State. That is true not only in the South, for I may go on even to the North, in such places as Vermont, where they have child-labor laws, and they have practically no enforcement of them.

Chairman WALSH. Have efforts been made in any of those States to make appropriations or to have the laws more adequately enforced?

Mr. BROWN. Efforts have been made by various agencies, notably the National Child-Labor Committee.

Chairman WALSH. Do you find lobbies in opposition?

Mr. BROWN. Very strong lobbies, Mr. Chairman. We find that while the majority of manufacturers are opposed to the exploitation of children in industry, a small group of manufacturers who are very aggressive frequently invade the legislature and threaten the legislators with the removal of their business outside of the State if laws are passed to prohibit the employment of children in industry. In the glass industry in Illinois, for instance, it had often been said that if the children were taken from that industry the industry would have to move out of the State. The child-labor laws were passed, and a recent investigation disclosed the fact that the glass industry in Illinois is very much more prosperous to-day than it was—not the time of the investigation two years ago—than it ever was under the old régime of freedom to employ children.

Chairman WALSH. Has your organization taken any part in the effort that has been made in Maryland lately to modify the child-labor laws with respect to the canneries and the sales of newspapers?

Mr. BROWN. The National Child Labor Committee, I understand, was active in Maryland last year. I don't know exactly.

Chairman WALSH. I interrupted you a moment ago. Just go ahead with your narrative.

Mr. BROWN. Yes. On the question of enforcement, the futility even, the two weak points in the enforcement of child-labor laws, has been the fact that politicians are frequently chosen as the agents of the State to enforce the law, and, second, that the grants for the enforcement of the child-labor laws have

been so niggardly as to almost nullify in all States where these factory laws were enacted. Even in the State of New York we have the shameful fact of having some of our supervisory factory inspectorships exempted from the operation of the civil-service requirements. Not very long ago we had one of the very best men in the New York State Labor Department practically thrown out to make room for a more or less political appointment. I refer to Mr. John R. Shilladay, who was the secretary of the New York State Industrial Commission. We found that these two points—the relationship of politics to the enforcement of the labor law and the niggardly grants on behalf of the legislature—nullified high standards of child protection in industry.

Chairman WALSH. Have you made reports to your organization on the conditions that you found in these various places?

Mr. BROWN. Such reports have been made.

Chairman WALSH. Have they been printed?

Mr. BROWN. They have been printed, many of them, and many of them are on file now.

Chairman WALSH. Could you give us the reports that you have made, or place us in the way to copy them, so that we could get at the facts actually as you found them in these different places?

Mr. BROWN. I refer to a pamphlet published by the National Child Labor Committee entitled "The Child's Burden in Oyster and Shrimp Canneries"; to an address delivered before the American Association for Labor Legislation at Boston on the machinery for enforcing labor laws in the United States; to the proceedings of the national child-labor conference at Jacksonville, Fla., published by the National Child Labor Committee, 105 East Twenty-second Street; to an article in the American Citizen of last year on "Federal child-labor legislation." There are many more, Mr. Chairman, and I should be glad to place a complete set of them on file with the commission if you so desire.

Chairman WALSH. I wish you would, please. Are the industries engaged in the canning business, in the oyster business, and in the vegetable-canning business, usually carried on in corporate form?

Mr. BROWN. In what form?

Chairman WALSH. Corporate form.

Mr. BROWN. Very frequently. In the South the firm of—the largest firm operating—is a corporation very many times having been convicted in the United States court—from records I have personally examined—for violation of the Sherman antitrust law and for violations of the pure-food acts.

Chairman WALSH. What is the name of the corporation?

Mr. BROWN. The Dunbar, Lopez & Dukate.

Chairman WALSH. Have they an office in New York?

Mr. BROWN. I think not. Their main office is in New Orleans, La.

Chairman WALSH. Have any of these corporations an office or a director in New York, that you know of?

Mr. BROWN. I don't think—I don't know that any have. I should be glad to make a search during the time the commission is here and present the commission with any list.

Chairman WALSH. Well, we will be here at least two weeks, and I would like you, if possible, during that time to give us the names of any directors that live in the cities of New York, Philadelphia, or Boston.

Mr. BROWN. I could be very glad to. While we are on that point, Mr. Chairman, I want to speak of that very fact—the absentee proprietorship, I might call it, of industry and the futility of passing child-labor laws in one State, while those who are responsible for the employment of children reside in another State. I had occasion two years ago to appear before the senate committee on labor at Columbus, Ohio, to protest against an exemption which the canners wanted, an exemption to employ the women in their canneries for an unlimited number of hours. The canner there said that they were opposed to child labor and they were not on the same moral plane as the New York canners, because the New York canners did employ children. They said that they were opposed to it because it was morally wrong. Now, as a matter of fact, they were opposed to it theoretically because Ohio grows very few beans for canning purposes, in the snipping of which children are largely employed, but the president of the Cleveland Humane Society, who lived in Cleveland, Ohio, was the owner of a factory in the State of New York, where we found children of 6 years of age employed snipping beans.

Chairman WALSH. Who was that? What is his name?

Mr. BROWN. Mr. Haserot.

Chairman WALSH. What is his first name?

Mr. BROWN. Samuel. He resides in Cleveland and operates a canning factory in Gowanda, N. Y. That is a reason why I believe State legislation to restrict children from working has failed miserably with this imaginary boundary line on one side of which it is perfectly moral to do a thing and on the other side perfectly immoral.

Chairman WALSH. Perhaps you have some views on this point with respect to the efficacy of a national law covering the question of child labor?

Mr. BROWN. I believe that that is the only method of regulating this, of abolishing this national evil. I believe that we will have to have State laws to supplement any national legislation such as is now before Congress in the shape of the Palmer-Owen bill, which, by the way, I think is a very effective weapon to abolish child labor.

Chairman WALSH. Briefly, what is the Palmer-Owen bill?

Mr. BROWN. The Palmer-Owen bill provides that no interstate carrier shall transport goods in the manufacture of which children under 14 years of age have been employed or children between 14 and 16 who have not passed a certain requirement. Might I place on file, Mr. Chairman, that bill and a brief supporting it?

Chairman WALSH. We will be very glad, indeed, to have it.

Mr. BROWN. I will offer it now.

(Received and marked "Brown Exhibit No. 1.")

The above exhibit was submitted in printed form.)

Chairman WALSH. That was filed yesterday by another witness, that bill, with the brief.

Mr. THOMPSON. And the brief was also filed with it, was it not?

Commissioner GARRETSON. Yes.

Chairman WALSH. It will not hurt to have another one.

Mr. BROWN. I believe the commission would have ample justification for a recommendation favoring such Federal legislation of this kind.

Chairman WALSH. The ground is pretty well covered in this brief, is it, that goes with the copy of the law?

Mr. BROWN. I think so on that point. If there is no question to ask, I should like to say a word about the relation of unemployment, if I might, to child labor.

Chairman WALSH. Yes; you may.

Mr. BROWN. I believe that in the large army of unemployed we have a direct and very intimate relationship to child labor. The child who early in life for any reason at all is forced to go out and work interfering with its education, blunting its sensibilities, must inevitably fall into the unskilled labor class, the class from whom we draw largely our intermittent and underpaid workers. A recent investigation in the city of New York showed that nearly 50 per cent of the men who applied at the municipal lodging houses were those who left schools to go to work at 14 years of age or thereabouts. That study was just completed by the charities commissioner, and I think is available if the commission wishes to get at it. I think the fact that the child must go out into industry to compete with the adult, which brings down the adult's wage scale to the level of the child's, frequently results in a large number of adults being thrown out of work. They are the unemployed and the unemployable.

Chairman WALSH. Does your organization do any work along the line of notifying the individual controlling the ownership of these corporations as to conditions in other States?

Mr. BROWN. I understand that the International Child Welfare League, particularly its president, Mrs. Wallston Hall Brown, recently made the suggestion that we try through public education to bring before the people, those who are responsible for those conditions, by publishing the firms who employ children, and in some way, perhaps, boycotting them.

Chairman WALSH. Could you give us the names now of the individuals and corporations who are the owners, publicly, the owners of the industries in those various States?

Mr. BROWN. I think not. I do not have in mind now the exact names and locations, although a great many of those names are now on file with the National Child Labor Committee.

Chairman WALSH. Could you get us up a list and call back here at some time which you may fix with Mr. Thompson's staff, or with Mr. Manly, giving us a list, as near as you can get it, from your records, of the names of the corporations and individuals, the States in which they operate, and the

typical cases that you have mentioned? For instance, the ones that have the children under 5, the ones that have the children under 14, in States where the law exists but is not being properly enforced, etc., those typical facts which you have mentioned here?

Mr. BROWN. I should be glad to provide such a list before the commission leaves. Such a list would be very interesting as showing, I think, the fact that Massachusetts, with its high standard of protecting children who work, must compete with low-standard factories in such States as North and South Carolina and Georgia, where children under 14 may work, and for whom the southern cotton-mill owner pays a low child's wage, while in Massachusetts they must employ adults.

Might I add an instance of interstate traffic in children which occurred in the State of Massachusetts?

Chairman WALSH. Yes.

Mr. BROWN. Six miles from the State line of Massachusetts there is a town called North Pownal, in Vermont. In Massachusetts mills we are unable to find very many children who are employed in violation of the law, while when we passed over the State line into North Pownal, we found children 9 or 10 years of age working 12 hours a day.

Chairman WALSH. In what industry?

Mr. BROWN. In the cotton-mill industry.

Chairman WALSH. Whose industry is it? What place is it?

Mr. BROWN. There is only one mill in North Pownal.

Chairman WALSH. Do you remember the name of the concern?

Mr. BROWN. It is some print company; I do not recall the exact name. There were two children whom we found who were living in the State of Massachusetts, who were unable to get work in the State of Massachusetts, owing to the restrictions, but who did work in Vermont where there were no restrictions.

Chairman WALSH. Have you the name of that concern in the records of your office?

Mr. BROWN. Yes, sir; I shall be glad to provide that.

Chairman WALSH. Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. No, sir.

Chairman WALSH. Mr. Lennon, have you any questions?

Commissioner LENNON. No, sir.

Chairman WALSH. Mr. Thompson, do you think of anything else?

Mr. THOMPSON. No, sir.

Chairman WALSH. Thank you very much, Mr. Brown.

Mr. THOMPSON. I will call Miss Watson.

TESTIMONY OF MISS ELIZABETH C. WATSON.

Mr. THOMPSON. Will you please give us your name, your address, and your occupation?

Miss WATSON. Elizabeth C. Watson. My residence is 149 Washington Place, and I am special investigator.

Mr. THOMPSON. For whom?

Miss WATSON. Just at the present time I am special investigator for the International Child Welfare League.

Mr. THOMPSON. How long have you been acting as investigator for them?

Miss WATSON. Since March 18.

Mr. THOMPSON. For whom were you investigator before that time?

Miss WATSON. I have been investigator for the National Child Labor League; the Massachusetts Minimum Wage Commission, the New York State Factory Investigating Committee—the New York State Factory Investigation Committee—and in the fall of this last year, 1913, I investigated, as a convict in Auburn Prison, for the New York State prison reform commissioner.

Mr. THOMPSON. Have you had occasion as an investigator to investigate the canneries?

Miss WATSON. I went to the canneries on the Gulf coast, on the Gulf and Atlantic coast, on March 18, 1914.

Mr. THOMPSON. What canneries are those, oysters?

Miss WATSON. They are canning oysters and shrimps—the so-called cove oysters. The raw oysters I did not investigate, because children are not employed in canning raw oysters. The work is too difficult. They are employed

in opening what are called cove oysters. The oysters are steamed and it partly opens the oysters, and the child can very easily scrape the oyster out into the can.

The investigation was carried on from the southwest coast of Louisiana through Mississippi, Alabama, Georgia, and South Carolina.

Mr. THOMPSON. Did you find that children were employed in those canneries to do the work?

Miss WATSON. I found that wherever children could be employed in the canneries, they were employed. The youngest child I found at work was 3 years old.

Mr. THOMPSON. Where was that?

Miss WATSON. In Biloxi, Miss.

Mr. THOMPSON. In whose cannery?

Miss WATSON. In the Barataria cannery.

Mr. THOMPSON. How many hours a day did that child of 3 years work, if you know?

Miss WATSON. I saw it working for six hours.

Chairman WALSH. What doing—what did the child do?

Miss WATSON. The child was shucking oysters. The oysters are steamed and that partly opens the shell, and then you take a knife and scrape the oyster out of that shell. The child was too small to hold a knife in its hands; it did it with a stick. I was working in that cannery that day for six hours. The child worked all the time I was there. It was so small it could not reach the car, and it stood on a box. The canners provide the children with boxes to stand on.

Mr. THOMPSON. How many other young children did you see at that cannery, and about what were their ages?

Miss WATSON. In that particular cannery there were 51 children at work. There were, I think, 38 children under 10 years of age.

The time of work varies. It is very difficult to keep track of exactly the number of hours a child works. There are five distinct groups of people working in the cannery. There are the Polish people, who come from Baltimore; they go to work when the whistle first blows at 3 o'clock in the morning, and they are at work at 4.

The native Baltimore people go in a little later. They go in from 5 to 5.30, all of them taking their children with them.

The natives, the southern people, go in at 7 o'clock.

The Austrians, who have become settlers in that community—Austrians and Austro-Hungarians—go to work at 7. And the negroes about 7 to work till 6 at night.

Mr. THOMPSON. Those children below 10—about what were the ranges of their ages, if you know?

Miss WATSON. I can't tell you exactly.

Mr. THOMPSON. Three, I take it, was the youngest?

Miss WATSON. Three was the youngest child I saw working. I saw children 14 months and 2 years old sitting in a car, sitting there being cared for by the children, playing with oysters. They were not actually working.

Commissioner O'CONNELL. Sort of training those as beginners.

Mr. THOMPSON. Vocational education.

Commissioner GARRETTSON. Prevocational education.

Miss WATSON. I would like to say right here that the children who were playing about the canneries, who have to go there because there is no place else to keep them, are playing shucking oysters; they are imitating this thing, so that when they are old enough to do it they will know how to do it. It is good training in that direction.

Mr. THOMPSON. About what was the age of those children under 10 years of age?

Miss WATSON. They began at 5 years and run up to 6, 7, 8, 9, and 10. The largest group was between 7 and 10.

Mr. THOMPSON. What kind of housing do the canneries provide for their people? What is the general condition of the canners?

Miss WATSON. The houses are of three kinds. There is the so-called camp, which is usually a long row of shacks, housing anywhere from 12 to 18 families. Those shacks usually consist of two small rooms; each one has a window and a door opening on the outside. There is what is known as the tenement, a very large frame building, usually, which will house anywhere from 20 to 30 families of one family to a room, always.

Then there is the ordinary dwelling house, which is converted into a tenement house, and in those we find a very large proportion of the rooms are dark rooms, because they have been built for family houses, and when they are subdivided in order to convert them into tenement houses some of the rooms are dark. They divide large rooms into two.

While I was in Biloxi working in the factory there was a fire in one of those tenement houses, an ordinary dwelling, which had been converted into a tenement house, and in that house there were seven Polish families living. The women in those families did not wish their children to work in the cannery, so they left their children at home, locking them in the house, because if they went to the cannery the employer would put them to work. During the early hours, somewhere about 7 o'clock, there was a fire, and the children very narrowly escaped being burned to death, but some of the neighbors knew they were there and got them out.

Mr. THOMPSON. What is the sanitary condition of those houses or shacks?

Miss WATSON. They are unspeakable.

Mr. THOMPSON. What is that?

Miss WATSON. They are unspeakable. The sanitary conditions are worse than anybody could imagine. The camp I stayed in, while I was working it was raining, and it looked like a basket. The bed was a wooden bunk, built into the wall. A little Spanish moss, the moss that grows on the live oak trees down there, was thrown onto this to form a mattress. The bed was immovable, and it poured rain all night long. There was no part of that room that was not soaking wet. They couldn't even light the fire the next morning because of the wet. Every person in that row of houses went to work the next morning in wet clothes, women and children.

Mr. THOMPSON. Where do the people buy their supplies that work in the canneries, if you know?

Miss WATSON. That depends. If the cannery company has a company store, then they buy their goods in that company store.

Mr. THOMPSON. Is that compulsory, do you know?

Miss WATSON. Where they are owned by a company, or where the company own a store, yes. In some of the canneries they are permitted to buy outside if the company has no store, but where there is a company store they are obliged to buy inside. One woman told me about buying some bread outside the company store, and she was told if she did not buy her goods in that store she would lose her job, and they would refuse to pay her fare back to Baltimore.

Mr. THOMPSON. What about the prices in those stores?

Miss WATSON. We paid 10 cents a loaf for bread, which we could buy outside for 6, and 15 and 18 cents a can for condensed milk, which could be bought for 10 cents outside. Children's shoes were anywhere from \$1.50 to \$2 inside in the company's stores, which could be bought for from \$1 to \$1.25 outside.

Mr. THOMPSON. Generally, what does the work of those people consist of? Is there any night work or anything of that kind?

Miss WATSON. The women sometimes have night work. The general work is shucking the oysters. The oysters are put into the car and go into the steaming oven. They are left in the oven 15 minutes and they come out and you put your knife inside and scrape the oyster out. The children and women, as a rule, work at shucking, but there are a number of women who work in the packing house, in packing goods, and those women invariably work until 11.30 and 12 o'clock at night. Sometimes, if there are a number of boats in and they are pressed for help, a woman who has shucked oysters all day, and from 4 o'clock in the morning until 5.30 in the afternoon, will go in the packing house and will pack until 11.30 and 12 o'clock at night. Sometimes those same women will have to work on Sundays. During March and April, on six different Sundays, the women worked from 2 o'clock in the morning until 11 o'clock at night, going back to work the next morning at 2 o'clock again and working until 11 again.

Commissioner O'CONNELL. How about the earnings of the women and children?

Mr. THOMPSON. In other words, the women who went to work at 2 o'clock in the morning, and worked until 11 o'clock that night, were compelled to get up the next morning and go to work at 2 o'clock?

Miss WATSON. Yes. Then the following Monday afternoon, when one group of those women were found sitting down on packing boxes, because they were too tired to work any longer, the owner discharged them.

Chairman WALSH. What owner discharged them?

Miss WATSON. Do you want his name?

Chairman WALSH. Yes.

Miss WATSON. Lopez.

Mr. THOMPSON. Where is his place of business?

Miss WATSON. Biloxti, Miss. He runs the Barataria cannery.

Chairman WALSH. What is Mr. Lopez's first name, do you remember?

Miss WATSON. Lazarus.

Commissioner O'CONNELL. He lives in Canada?

Miss WATSON. The cannery.

Commissioner O'CONNELL. This is in one of the canneries?

Miss WATSON. Biloxti, Miss.

Mr. THOMPSON. What wages do they get?

Miss WATSON. It varies with the size of the oyster. Five cents a pot; it is a tin can.

Mr. THOMPSON. The oyster fixes the wage?

Miss WATSON. The oyster fixes the wage. There is a pot which holds anywhere from 5 to 7 pounds, depending on the cannery again. Five cents a potful for anybody who lives in the cannery. I presumably lived outside of the cannery camp, so I received 10 cents for the same amount.

Mr. THOMPSON. What amount of work would the ordinary adult woman be able to do? How much could she earn in a day?

Miss WATSON. When the oysters are small they can earn very little. During the early part of November and running up until Christmas, a woman and five children, for that number of weeks, made \$3 a day. After that they fell down, \$2, \$1, 50 cents a day, and latterly, just when I was down there working, they were only making 50 cents a day.

Mr. THOMPSON. The woman and children combined only earned 50 cents a day while you were there?

Miss WATSON. While I was there.

Mr. THOMPSON. And at the most only earned \$3 a day?

Miss WATSON. Yes, sir.

Mr. THOMPSON. For six workers?

Miss WATSON. Yes, sir.

Commissioner O'CONNELL. Did their father work, too—the man?

Miss WATSON. Yes, sir. The padrone, when he goes to Baltimore, tries to get a family, the father who will work in the dredging of the oysters, or in the cannery, removing the shells and cleaning up the cannery; a mother and as many children as they possibly can take down with them. They take the family as a unit; the padrone gets a dollar a head.

Mr. THOMPSON. Do they take the Italians?

Miss WATSON. No, sir; the Polish people and the native Baltimoreans.

Mr. THOMPSON. And do the native Baltimoreans submit to the padrone?

Miss WATSON. They have; I think they are not going to.

Mr. THOMPSON. What schooling do the children get, if any? What provision is made for the schooling?

Miss WATSON. No provision is made by the cannery for the schooling. There are schools along the coast. In Biloxti there is a public school. About 200 out of 300 in that school are called Bohemians, on account of their habits, not on account of nationality. They are Polish, Austrians, and Americans. There are 200 go to school sometime during the school year, but the attendance is very irregular, and very rarely do they go beyond the second reader. I talked to the teachers, and they said when the canneries first opened up in the fall the children could neither use pencils nor pens on account of sore hands. There is an acid in the shrimp which takes the skin off their hands. If they had their knuckles cut, any little abrasion of the skin, the acid in the shrimp causes it to fester. I have seen children with their hands a mass of festers. I have seen babies down there with the whole side of their face festored.

Mr. THOMPSON. Do they continue working with their hands in the industry?

Miss WATSON. Yes, sir. One day when I was working at my oysters there was a little girl with one mass of sores. The woman had overweight, she had more than she needed to have in the can for 5 cents, and the woman on the weighing scales put the oysters on the shelf and she took her hand and put them back in the sack.

Mr. THOMPSON. Are the children able to judge a bad oyster from a good one?

Miss WATSON. There is no necessity to. We put everything in.

Mr. THOMPSON. Everything goes in?

Miss WATSON. Yes, sir.

Commissioner O'CONNELL. I know now why I do not like oysters.

Mr. THOMPSON. One oyster is as good as another?

Miss WATSON. One oyster is as good as another. When I was shucking I asked the man next to me, who was a Filipino, I noticed the oyster was bad, and I said, "What shall I do with it?" And he said, "Put it in. They will give you a ragging if you throw it away."

Commissioner O'CONNELL. Are there colored people employed?

Miss WATSON. Yes, sir; but very few. They are put in a different part. They do not work with the white people.

Chairman WALSH. What is the reason for that? Do not they adapt themselves to the industry?

Miss WATSON. I do not believe the colored people would put up with the conditions.

Commissioner O'CONNELL. That the white people do?

Miss WATSON. Yes, sir. I do not think the colored people would.

Commissioner O'CONNELL. That is to their credit.

Miss WATSON. Yes, sir.

Mr. THOMPSON. Is there much sickness in the camp; if so, how is that taken care of?

Miss WATSON. There is considerable sickness in the camp. There are a tremendous number of babies who die every summer there. A good many people have pneumonia. Of course that comes about from the housing condition. They get soaking wet. One family was let down this year because the child had had pneumonia and the woman stayed home to nurse it and was out of the cannery for six weeks. When the time came to bring them back to Baltimore they refused to bring her back.

While I was down there there was a man next to me working on my ear, just returned from having had the smallpox.

Mr. THOMPSON. Have you made any investigation of the mills?

Miss WATSON. Yes, sir. And went back to investigate the mills.

Mr. THOMPSON. Where was that?

Miss WATSON. I went back to Alabama and Georgia. I visited mills in Alabama, Georgia, South Carolina, and North Carolina.

Mr. THOMPSON. What nationally, as a rule, are the people who work in those mills? What are the conditions under which they work?

Miss WATSON. They are the so-called poor white people. They are really mountain white people. They are really the truest Anglo-Saxon stock we have. They come from the mountain sections where there is no work, and go down to work in the mills.

Mr. THOMPSON. Under what conditions do they work? What is their pay and hours, if you know?

Miss WATSON. Well, the mill villages are just about as bad as the canneries, excepting just a little bit worse, because the canneries at least have the sea and the sea air and fresh air. The mills have not. The mills—they work in closed quarters. The canneries are open and the sea air goes through, fresh.

Mr. THOMPSON. What proportion of children work in those places?

Miss WATSON. It is very difficult to give the proportions, because you see there are a very large proportion of men working in the mills and cleaning the cotton and dyeing and that sort of thing. I think the proportion would have to be the proportion of the spinning room. I think a quarter of the spinning room would be children. All the doffing is done by children.

Mr. THOMPSON. What ages are the children?

Miss WATSON. That depends upon the child-labor law and the evidence of age that the mill superintendent asks for when he takes the child on. The children in Alabama are supposed to be 12 years of age. I saw children who, not least physiologically, were at least not more than 9 or 10. They were small. It is not necessary to present a birth certificate, or any particularly authentic evidence of age when they apply for a job. The mother or the father can swear the child is 12 years old, and the child can go in and go to work.

In one mill in Alabama, the largest mill there, owned by an ex-governor, and, by the way, a man who has just been defeated for the governorship, when I was there visiting in his mill had 22 children under 12 years of age. Many of those children—

Mr. THOMPSON. What is his name?

Miss WATSON. Do you want it?

Mr. THOMPSON. Yes.

Miss WATSON. I will tell you in one second. It has just gone from me. I will have to look it up. I think it will come back to me in a moment.

Commissioner O'CONNELL. Alabama?

Miss WATSON. Yes, sir; he was an ex-governor.

Commissioner O'CONNELL. How long ago?

Miss WATSON. He has just been defeated. Comer was his name.

I want to tell you something right here, that in Alabama the legislature only meets once in every four years. This governor, this ex-governor, was a Prohibitionist, and naturally, when the legislature did meet, it was interested in legislation on prohibition, rather than in prohibition of child labor; consequently, Alabama had a very poor child-labor law. The Alabama child-labor law says that no child under 12 years of age shall work in a mill, but they can work in any other place they like. I saw children in department stores in Alabama who were not over 9 or 10 years old. I saw children in a hosiery factory who could not have been over 8 or 9 years old. The law only applies to mill children.

Mr. THOMPSON. Take the mills you visited, what other mills would you like to speak of?

Miss WATSON. I visited in Alabama and in Georgia; and I visited in one of the show places in Georgia, and a very beautiful mill town, a very old and broad welfare work. The mill had its own school which, by the way, was closed, had been closed since the 1st of May, because it was too hot for the children to go to school, but they had all gone into the mill to work; and they were there when I was there; and they were all making cotton for Uncle Sam. They were making the heavy drillings that is used for the Navy hammocks. That particular mill makes Navy cotton, and has made Army cotton.

Mr. THOMPSON. How young were those children?

Miss WATSON. There were children 12 years old and over—12 to 16. There were a large number of children who were 12 years old who did not look to be 12 years old.

Mr. THOMPSON. Who did not look to be 12 years old?

Miss WATSON. Who did not look to be 12 years old.

Mr. THOMPSON. How many hours a day do those children work in that mill, if you know?

Miss WATSON. The whistle blows at 3 o'clock in the morning?

Mr. THOMPSON. What time?

Miss WATSON. At 3 o'clock; but they are not supposed to be at work; they are supposed to be at the mill door at a quarter to 6. At 6 o'clock the machines are working, and they work steadily until 6 o'clock at night, with the exception of 45 minutes at noon, when they go home for dinner.

Chairman WALSH. Why does the whistle blow so early?

Miss WATSON. So as to get them up. The southerners are not very active, and they give them plenty of time.

Mr. THOMPSON. If I understand you correctly, children alleged to be 12 years old, but who do not look the age, are working in the mills in this country making cloth for the United States Navy, and they are compelled to start at work at 6 o'clock in the morning and finish work at 6 o'clock, working 12 hours, with the exception of 45 minutes for luncheon?

Miss WATSON. Yes, sir.

Mr. THOMPSON. Is that correct?

Miss WATSON. Yes, sir.

Mr. THOMPSON. What is the name of the mill and where is it located?

Miss WATSON. Anchor mill, located in Rome, Ga., but there are several others in Georgia doing exactly the same thing, only they are not particularly making goods for the Navy; they are making for the Army. And there is also one in South Carolina doing the same thing.

(A statement relative to the Anchor mill is printed as "Anchor Mill Exhibit.")

Mr. THOMPSON. Have you brought the attention of your society to the mill at Rome, Ga., Miss Watson?

Miss WATSON. I beg pardon?

Mr. THOMPSON. Have you brought the attention of your organization to this mill at Rome, Ga.?

Miss WATSON. No; I have not.

Mr. THOMPSON. When did you make that investigation?

Miss WATSON. I have just completed it; just returned.

Mr. THOMPSON. What information have you that you would like to give to this commission as to the employment of children in the mills in the South? Are there children that use snuff? And what is the physical condition of the children?

Miss WATSON. Oh, I have been in the child-labor work for the past eight years, and I have never seen any condition anywhere equal the mill children. They are stunted in growth, apathetic, and listless; and in no place outside of Auburn Prison have I seen either women or children as apathetic and absolutely uninterested in anything in life as the mill people are. There is nothing that interests them at all. I spent a whole Sunday in a mill village and could not get them interested in anything. I talked with one woman and spoke about the noise of the machinery in the mill, and she said: "Oh, I don't notice it." She didn't notice anything else, either. The only thing that appeals to them is highly emotional religion. They will go to the Salvation Army meeting or the Holy Rollers. The people or society or church that is highly emotional appeals to them, and nothing else does. The children there that go to the schools can not learn. I have talked to teacher after teacher in the schools in whole villages, and they say that the mill child simply hasn't the capacity for learning. They can not learn. I visited one little night school—a mill school—provided for the children at night which is absolutely inhuman; for no child who works in the mill from 6 o'clock in the morning until 6 o'clock at night has any business to go to school at night. The teacher said the children fell asleep, and she let them sleep. She thought it did them more good than trying to teach them, because they could not learn, anyway.

Mr. THOMPSON. What is the general social life in these villages, if you know?

Miss WATSON. Well, there is none as far as I can make out. The people, after they leave their work and go home, they sit out on the porch in a listless fashion. Nobody plays. I have never seen a child playing down there. Nothing appeals to them—in particular, the women. The women spend most of their time just chewing snuff. I asked them why they chewed so much snuff, and they said it helped them to get through the day.

Mr. THOMPSON. It is said that the mill owners permit them to play ball between the time of dozing. Did you see anything of that?

Miss WATSON. I saw none of it at all. I went in some of the best mills and I saw no children out playing on the outside. I did talk with and see a number of children, but they were inside, and not outside playing. They were outside in the mill rooms, but these rooms are both hot and humid. It takes both heat and humidity to weave cotton. The children stand on their feet all the time. None of them ever sit down. I saw one little child who was 12 years old and her feet were tied up in cotton. I noticed that she had taken her shoes off, and she was sitting outside on the stairway, and I asked why she was not at work, and she said that she had worked until she felt as though her backbone was going up through her head and she just had to stop. I found another little girl lying on the floor in the space between the spindles resting because she was tired. Both of these children—one claimed to be 14 years old, and I think she was, but physically she was not any bigger than a child of 10. She had a face as lined as a woman of 40; and that child can neither read nor write. She has worked since she was 9 years old. She began her mill life in South Carolina, where there was no child-labor law; and when they got their law, she went down to Alabama and worked; and when they got their law there, she went over into Georgia.

Mr. THOMPSON. Is there anything further that you would like to state with reference to your work?

Chairman WALSH. Has anyone any questions?

Commissioner O'CONNELL. Did you find any marked or distinct lines drawn between male and female in these camps and mills and places?

Miss WATSON. None at all.

Commissioner O'CONNELL. No differentiation at all?

Miss WATSON. No.

Commissioner O'CONNELL. Will you furnish this commission with a list of these places that you visited—towns and mills and factories?

Miss WATSON. I will furnish them. I can give it to you now.

Commissioner O'CONNELL. Take your own time.

Miss WATSON. I will do so; yes, sir.

Commissioner O'CONNELL. All the names and places put together and give them to the commission?

1894 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Miss WATSON. Yes, sir.

Chairman WALSH. How soon could you give us this last report you say you have not filed yet with your organization; when will you file that report?

Miss WATSON. I can file it by Friday morning.

Chairman WALSH. Could we have a copy of it so as to make a copy of it?

Miss WATSON. Yes, sir; surely.

(The report referred to is printed in "Hearings on the Child-Labor Bill (H. R. 12292) before the Committee on Labor, House of Representatives, Sixty-third Congress, Second Session.")

Chairman WALSH. Thank you.

Mr. THOMPSON. That is all we have to-day, Mr. Chairman.

Chairman WALSH. The commission will stand adjourned until 10 o'clock to-morrow morning in this same room.

(Whereupon, at 4.15 p. m., Tuesday, June 2, 1914, an adjournment was taken until 10 o'clock a. m., Wednesday, June 3, 1914.)

EXHIBITS.

BASFORD EXHIBIT.

JOSEPH T. RYERSON & SON,
New York, July 7, 1914.

Mr. F. A. DELANO,
President Chicago, Indianapolis & Louisville Railway,
Transportation Building, Chicago, Ill.

DEAR Mr. DELANO: When testifying before the Industrial Commission in New York I was asked to prepare in writing a statement of opinions expressed before the commission on the subject of vocational education. I have done so and send you the notes which I have made as brief as I could, with request that you kindly place them before the commission, if in your judgment they are worthy.

I have tried to present two things—apprenticeship and the function of the school men—without obscuring these issues by details.

As I understand it, the commission desires to suggest legislation. I am convinced that legislation should be along the lines which I suggest, namely, control of national funds by the commission which would make those funds available to States having similar commissions, the funds to be available only for communities which will meet the three requirements suggested in these notes.

Yours, very truly,

G. M. BASFORD.

VOCATIONAL EDUCATION—WITH PARTICULAR REFERENCE TO BOYS AND MECHANICAL TRADES.

[By G. M. Basford, July, 1914.]

More satisfactory progress toward permanent success in vocational education will be made when each of the various vital factors involved is employed to do its own particular part to best advantage in coordinated, cooperative effort. Part of this problem is up to the public. Part of it is up to employers. Part is up to the young recruits for vocational service.

For some years of worrying about industrial training the writer suggests the following principles as pointing out the next steps to be taken toward a solution:

1. It is the duty of the public properly to provide preliminary preparation of young persons for life work whether for "professions" or for "vocations." As to vocations it is the function of the public schools to prepare the raw material for vocation training. It is also the function of the public schools to provide means whereby the pupils will be most intelligently guided vocationally. This involves close contact and cooperation between public-school educators and the employers who provide the market for the school product. When these educators come to know this market and when employers and educators cooperate in their common problem—it may be said that a real start has been made in vocational education. All concerned are too far apart. Each has a great work to do. They must get together. When the public schools are ready to recommend their product individually to specific employers because of thorough knowledge of that employer's problems, then—

2. It is the duty of the employer to provide trade training for those recruits in the trade, vocation, or occupation. This the writer believes to be a necessary part of the cost of producing goods. He believes that the only way to

teach trades vocations or occupations is in the work itself. When professional educators begin to cooperate with employers they will begin to see the fallacy of attempting to teach trades in schools. Trade schools will be the rock on which vocational education will be wrecked if those who are most vigorous in this movement do not take heed of the dangers and get into the safe channel. That safe channel is apprenticeship. Employers who have any thought to the future can not safely longer delay the issue of apprenticeship or its equivalent in every trade, vocation, or occupation. Apprenticeship interest is awakening, but it is coming too slowly. Public educators will give it great impetus when they quit trying to teach trades in schools and when they recommend their graduates to employers who will establish or have established apprenticeship. This applies to great business like that of the General Electric and American Locomotive Cos. It applies also to the plumber, the blacksmith, the tinsmith, carpenter, printer, paper hanger, and all the rest, in the small community. These all need apprenticeship, but many of them do not know it. When one plumber begins to get all the business in town that is worth having, simply because he has properly provided apprenticeship in his trade for a boy or two who have come to him strongly recommended by the school men of the town, then vocational training will take an important step in that town. By apprenticeship I mean trade training to the limit of the possibilities and facilities of the employer. I mean that in small and large concerns some one be delegated to teach the practice of the shop, or on the work wherever it is, some one who has time to do so because it would be his chief duty to do so. Will it pay? It has paid in each and every case where it has had the least chance, and the writer believes apprenticeship to be the best paying scheme any employer can adopt.

3. When boys are actually parties to apprenticeship the public has its second educational opportunity. Corporation schools are now meeting a need that apprenticeship has developed. These schools testify to the distance between public educators and vocational needs. Even new schools have been required because professional educators were so far out of touch with the times. These corporation schools include some models of extraordinary merit for elementary and grade schools and even for colleges. In my opinion no technical school or university has in use a better plan or scheme than that whereby the American Locomotive Co. for the past six years has trained its engineers at Schenectady, N. Y. Professional school men should lose no time in studying the merits and methods of these corporation schools which are now doing work that really belongs to the public to do in the form of continuation schools. Corporations will be glad enough to turn their school over to the professional school men when these men have caught up with the times in school matters.

4. In some States public funds are now available for vocational education work. The New York State scheme I consider a failure. The Wisconsin scheme would be more nearly ideal if it compelled specific standards of apprenticeship as a qualification for State aid. It is my opinion that State or national financial aid for vocational schools must be conditioned upon apprenticeship so that no public funds can be obtained by a community until the employers of that community have established satisfactory apprenticeship. Not until this is accomplished is it worth while to consider vocational school efforts.

Suppose we put national funds in the hands of a commission of three men, (1) an employer; (2) a representative of employees; (3) a professional educator—all of these men being selected because they are really big men and because they have thoroughly studied and, therefore, understand this problem. Then suppose we suggest a similar commission for each State that wishes to promote vocational education. If these commissions control State and national vocational education funds they will control the methods. I would recommend that the national commission be restricted to grant funds only to States having proper commissions and laws that will permit those State commissions to grant State and national funds only to communities which will do these three things:

(a) Revise school plans to include preparation for learning trades, vocations, and occupations. This must necessarily include close cooperation between the school men and employers.

(b) Compel employers to provide apprenticeship with true and thorough trade training as the basis for continuation-school work. This is a duty of the employers to the community and to themselves and to the country. Remember that Germany owes her industrial position first, to apprenticeship, and, second, to educational development accompanying it.

(c) Provide continuation schools for those apprentices to continue their studies in connection with their employment. When a community has actually complied with these requirements to the satisfaction of such a commission it may safely be trusted with public funds for vocational work, but (as I see the problem) not until it has done so.

The problem of vocational education is so simple as to be generally misunderstood. The greatest difficulty is to get employers to look into the future and to prevent school men from living entirely in the past.

These notes are prepared to emphasize the vital force of apprenticeship, without which vocational education will not succeed, also to indicate that this problem is for employers, the public, and professional educators to attack cooperatively. It must not be left to the schoolmen who have only a part to perform and who are not to-day prepared to perform it. The factors must get together. I believe that they may best be gotten together through commissions and the control of funds.

BROWN EXHIBIT.

BUREAU OF WELFARE OF SCHOOL CHILDREN,
New York, June 8, 1914.

The CHAIRMAN UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
City Hall, New York City

MY DEAR SIR: When I appeared before the commission on June 2, to testify regarding conditions under which young children are employed in industry, you requested me to furnish you with a list of employers of such children, together with copies of various studies made while I was an agent of the National Child Labor Committee. May I suggest to you that, inasmuch as all of this data is on file in the office of the National Child Labor Committee at 105 East Twenty-second Street, a direct request to them would undoubtedly result in immediate compliance. I should be glad to undertake to do this personally were it not for the fact that I am no longer engaged in child-labor work, and demands for time in my own work are so great that it is impossible at present to spend much time on this problem.

Very respectfully, yours,

EDWARD F. BROWN, *Superintendent.*

New York, June 9, 1914.

Mr. EDWARD F. BROWN,
*Superintendent Bureau of Welfare of School Children,
105 East Twenty-second Street, New York City.*

MY DEAR SIR: Your favor of the 8th instant was duly received.

As suggested, I shall call upon the office of the National Child Labor Committee for the data which you were kind enough to mention to us.

I thank you for the suggestion.

Very respectfully, yours,

—————, *Chairman.*

THE INTERNATIONAL CHILD WELFARE LEAGUE (INC.),
New York City, N. Y., June 12, 1914.

Hon. FRANK P. WALSH,
*Chairman United States Commission on Industrial Relations,
Room 1220 Municipal Building, New York City.*

MY DEAR MR. WALSH: Since writing you on June 8 regarding the list of firms employing children I have collected some information on this point which I respectfully lay before you. You will find inclosed herewith a list of firms operating in the States of New York, Georgia, Mississippi, and Florida, all of whom have been found to employ children. The details of the employment of these children are to be found in—

(1) The second report of the Factory Investigating Commission, 1913, volume 2. On page 579 you will find a full report of children who were employed in the canning industry in New York State.

1898 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

(2) *The Child's Burden in Oyster and Shrimp Canneries*, by Edward F. Brown and Louis W. Hine, published by the National Child Labor Committee, 1913.

(3) *Child Labor in the Canning Factories of New York State*, by Edward F. Brown, published in bulletin of the National Child Labor Committee.

There are also on file in the office of the National Child Labor Committee a number of reports which have not been printed, but which are available for use.

You will be interested particularly, I am sure, in a study of wage standards in tenement home work which I made and which is reported in chapter 7, appendix 4, of the second report of the New York State factory investigating commission, 1913, volume 2, page 739, entitled "Embroidery Home Workers of New York City." I want to call your particular attention to the table on page 750 of this report, which shows the wages earned by families in the embroidery trade. I am sure you will be astounded to see in this tabulation that there are some family groups who, working at home, have earned as little as 8 cents a day.

If there is any further information which I can furnish you with, I know you will feel free to call upon me.

The report of the State factory investigating commission can be procured on application from the commission, the address for which is room 1332, 22 East Seventeenth Street, New York City.

Very sincerely, yours,

EDWARD F. BROWN, *Vice President.*

EMPLOYERS OF CHILD LABOR.

NEW YORK STATE CANNERIES.

Hamburg Canning Co.: Akron, Eden Center, Hamburg.	Haserot Cannerles Co.: Forestville, Go- wanda.
Burt Olney Canning Co.: Albion, Me- dina.	Le Roy Canning Co., Le Roy.
H. C. Hemingway Co., Auburn.	J. B. Malcolm Co., Marion.
Camden Packing Co., Camden.	Wayne County Canning Co., Marion.
Conastota Packing Co., Conastota.	Wilson Canning Co., Rush, Mexico.
Merrell Soule Co.: Chittenango, Fay- etteville.	Winters & Prophet, Mount Morris.
East Pembroke Canning Co., East Pem- broke.	Edgett-Burnham Co., Newark.
Fort Stanwix Co.: Farnham, Rome, Waterville.	Predonia Preserving Co., Silver Creek.
	Fuller Cannerles, South Dayton.

COTTON MILLS IN GEORGIA.

Savannah: G. H. Tilton & Son's Mill.	Columbus—Continued.
Augusta:	Swift Manufacturing Co., Harry L. Williams, president (also sec- retary Georgia Cotton Manufac- turers' Association).
White City Manufacturing Co., J. W. Ingle, owner.	John C. King Mill.
Enterprise Cotton Mill.	Eagle and Phenix Mills, G. Gunley Jordan, president.
The Climax Hosiery Mill.	Athens:
Newman Cotton Mill.	Southern Mill.
La Grange: Consolidated Duck Co.	Columbus Manufacturing Co., F. B. Gordon, president (also pres- ident of Georgia Manufacturers' Association).
Columbus:	
The Swift Spinning Mill, Clifford J. Swift, vice president and gen- eral manager.	
Hamburger Manufacturing Co., John A. Mitchell, president; George E. Hamburger, secretary and treasurer.	

MISCELLANEOUS.

Oyster and shrimp canneries:	Oyster and shrimp canneries—Contd.
Biloxi, Miss.: Barataria Canning Co.	Dunbar, La.: Dunbar, Lopez & Dukate Co.

Oyster and shrimp canneries—Contd.
 New Orleans, La.: Lopez & Greimer.
 Apalachicola, Fla.: Rice Bros.' Canning Factory, Back Bay Canning Factory.
 Maryland:
 American Tobacco Co.
 Southwestern Atlantic Broom Factory (Baltimore).

Maryland—Continued.
 George Blome & Son Co. (candy).
 Tin Decorating Co.
 Alabama:
 Merrimack Manufacturing Co.
 Mills at Huntsville.
 Massachusetts:
 Merrimack Manufacturing Co.
 Mills at Lowell.

TRADES FOUND USING HOME WORKERS—BY CITIES.

Anburn:
 Rope splicing.
 Button carding.
 Buffalo: Finishing men's clothing.
 Lockport: Button carding.
 Niagara Falls: Carding hooks and eyes.
 Tonawanda:
 Paper boxes.
 Mending mailster's bags.
 Sewing buttons on shirts.
 Cigars.
 Rochester:
 Finishing men's clothing.
 Button and hook and eye carding.
 Infants' shoes (moccasins).
 Paper boxes.
 Women's neckwear.
 Novelties, sanitary belts, etc.
 Druggists' specialties — thumb-stalls—wristbands.
 Fringe and passementerie.

Rochester—Continued.
 Seedsman's paper bags.
 Syracuse:
 Finishing men's clothing.
 Fancy trimmings on waists.
 Crocheting—infant's wear, shawls, etc.
 Willow baskets (in Liverpool).
 Utica:
 Finishing men's clothing.
 Crocheting tops of knit underwear.
 Little Falls:
 Trimming felt slippers.
 Gloves.
 Dolgeville: Trimming felt slippers.
 Herkimer: Running tapes in knit underwear.
 Gloversville: Making gloves and trimming gloves.
 Troy: Brushes—collars and shirts.
 Cohoes: Brushes—collars and shirts.
 Yonkers: Willow plumes.

The names of firms in these trades may be found on file at the office of New York State Factory Commission.

TRADES FOUND USING HOME WORKERS—NEW YORK CITY.

International Embroidery Works.
 Wolff-Einstein.
 International Handkerchief Co., One hundred and thirty-sixth Street and Willis Avenue.
 (Compiled by the International Child Welfare League, 23 West Forty-fourth Street, New York City.)

WATSON EXHIBIT.

119 WASHINGTON PLACE,
 New York City, October 21, 1914.

SECRETARY UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
 Field Headquarters, Chicago, Ill.

DEAR SIR: Inclosed you will find a copy of my report¹ and excerpts from my daily diary upon which the report was based as submitted to the Labor Committee of the House on May 22, 1914. I was under the impression the president of the International Child Welfare League had forwarded you this report shortly after your hearing in New York. I am sorry you had to write for same. My cannery list is not at immediate hand, but the worst one is at Lake Shore, Miss. Others equally bad from point of child labor, long hours, and bad housing conditions are:

Dunbar, La.

Barataria, Biloxi, Miss.; very bad housing; owned by Lazarus Lopez.

¹ Printed in hearings before House of Representatives Labor Committee, Sixty-third Congress, second session.

1900 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Biloxi Canning Co., back bay section of Biloxi, Miss.
Sea Food Co., Biloxi, Miss.; has many child laborers.
Dukate Co., Biloxi, Miss.; many, many children; long hours for packing-room workers.
Pass Christian cannery; many child workers.
Port Royal, S. C.; lots of child workers; frightful housing conditions.
Hoping these addresses will be of use to you, believe me,
Sincerely, yours,

ELIZABETH C. WATSON.

ANCHOR MILL EXHIBIT.

ANCHOR DUCK MILLS,
Rome, Ga., June 11, 1914.

Mr. R. C. RUTTER,
Chairman United States Industrial Commission,
Washington, D. C.

DEAR SIR: Referring to the inclosed clipping¹ from the New York World of June 3, we note that Miss Watson testified that material for the uniforms worn by the United States Army and Navy is made by a mill in Rome, Ga. Now, the truth is there is only one cotton mill within the corporate limits of Rome—I. e., the Floyd Cotton Mill—and from our knowledge of that mill it could not make duck or drills, either, for the Army; and the agent states that they never have made any of this cloth.

This mill, Anchor Duck Mills, is just outside of the city limits, with a portion of its tenement property inside the city. Now, if the witness did not refer to the Floyd mill, then we suppose this mill is the one referred to, since there are no other mills in Rome. If this is true, and the witness had reference to this mill, we want to say that her testimony is false from start to finish, and we will make affidavit to the fact that we never made a piece of the goods named. It appears very unjust that your committee will accept statements of the kind referred to and not give the accused mill an opportunity to refute the charge.

Very truly, yours,

ANCHOR DUCK MILLS,
C. E. McLIN,
Secretary and Treasurer.

JUNE 16, 1914.

Mr. C. E. McLIN,
Secretary and Treasurer Anchor Duck Mills, Rome, Ga.

DEAR SIR: Your letter of the 11th, with clipping from the New York World, at hand. I take pleasure in attaching a copy of the testimony given by Miss Watson, in which your mill is mentioned. The commission will be glad to hear anything you may have to say in connection with the employment of children in your mills, child labor being the point at issue, rather than the question of whether or not the output of the mills goes to the Government or not.

Very truly, yours,

_____, *Secretary.*

ANCHOR DUCK MILLS,
Rome, Ga., June 23, 1914.

LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Washington, D. C.

GENTLEMEN: We are in receipt of your favor of the 16th, inclosing copy of Miss Watson's testimony before your commission relative to working conditions at our mill, for all of which please accept thanks.

We suppose it is in order for us to doff our hat to Miss Watson for the way she refers to our mill town, school, and welfare work, which we do, but her statement contains so many errors that we almost doubt whether or not she is correct in this statement. However, we are sending you by parcel post a lot of photos¹ of our property, in order that your commission may form some idea of the conditions under which our mill people work.

¹ Not printed.

We recall now the occasion of Miss Watson's visit to our mill. She stated that she had been to Alabama attending the marriage of her cousin, after which she came to Rome in an auto; she had missed her train connection. She stated that she had never been in a cotton mill, and requested the privilege of using some of her spare time looking through our plant. Now, we are going to make statements we can verify by affidavit if requested to do so by your body.

Miss Watson's statement that the school closed May 1 on account of the warm weather is correct. We are sending you copy of the school roll in January and April, showing how the attendance had fallen off. Miss Watson's statement that all the school children were in the mill at work is absolutely false, as only 5 out of 46 of the school children went to work in the mill after school closed; and we might add that 1 of the 5 earned for week ending June 13, \$12.83. This boy is 15 years old.

With reference to the hours of work, the witness is wrong again. The statute of Georgia prohibits us working over 60 hours per week, and we comply with this law, which permits us to divide this 60 hours as each individual mill may elect. Our mill people want a half holiday on Saturday, and to accommodate them we begin work at 6 a. m. and work until 5 15 p. m. (not 6 p. m., as the witness states), except 45 minutes for dinner. Thus we do for 5 days, and work only 5 hours Saturdays.

The witness's statement that the whistle blows at 3 a. m. is false; it blows at 4:30; and we do this as an accommodation to those who have been accustomed for years of depending on whistles of mills rather than their own timepieces. The writer has often thought this habit a nuisance and would like to discontinue it.

With reference to the age at which children work, we do our best to comply with the law in this respect. Our last report to the Labor Commission of Georgia on January 1, 1914, showed five children of 12 years employed, and those under circumstances such as the law directs. We were employing about 400 people in January, when this report was made. We had, therefore, less than 2 per cent of children 12 years old, and if you were dealing with conditions such as we are, and not theories alone, you would say that it is better for this small percentage to work for an honest living rather than beg, steal, or starve.

We wonder why Miss Watson did not tell your body about our lodge hall, our free bathhouse, with its swimming pool, shower baths, etc.

The writer has in his desk some letters written to him by the school children last winter and I am sending you a few of them; they speak for themselves. The school children were in the habit of writing these letters every week or two, as the teachers thought it good training for them. The only correct statement made by the witness is that the school closed May 1 on account of the warm weather. The enrollment of the school was 79 in January and 46 in April. We pay about three times more per capita to educate our mill children than the State appropriates per capita for the county schools; not only do we furnish free school, free bathhouse privileges, free pasturage for the operatives' milch cows, but we sell them ice at 25 cents per 100 pounds, delivered at all the houses in our village.

We thank you for your patience, but we could not well make this statement shorter.

Yours, very truly,

ANCHOR DUCK MILLS,
By C. E. McJAN,
Secretary and Treasurer.

SCHOOL ROLL, JANUARY, 1914.

Lemina Allen.
Lovey Firestone.
Clifford Mason.
Edgar Ellis.
Gladys Chastain.
Archie Chastain.
Annie Carney.
Earnest Ridley.
Pearl Cowart.
Clarence Cowart.
Lilly Watson.

Ella Mae Smith.
Carl Smith.
R. T. Cook.
Alva Snow.
Herman Snow.
Bessie Wisam.
Varnell Fernanders.
Paul Lackey.
Wallace Becknell.
Ella Williamson.
Wanetta Freeman.

STATE MEDIATION AND ARBITRATION OF INDUSTRIAL DISPUTES

(For exhibits under this subject, see pages 1951 to 1961.)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, June 3, 1914—10 a. m.

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Lennon, and Harriman.

Francis H. Bird, superintendent of Division of Public Agencies, examining for the commission.

Chairman WALSH. The commission will please come to order. Is Mr. Lundrigan here? I understand he is in a hurry to get away.

TESTIMONY OF MR. JOHN LUNDRIGAN.

Chairman WALSH. Please state your name, age, and residence.

Mr. LUNDRIGAN. John Lundrigan.

Chairman WALSH. Your age?

Mr. LUNDRIGAN. Fifty.

Chairman WALSH. Residence?

Mr. LUNDRIGAN. Buffalo.

Chairman WALSH. What is your occupation, Mr. Lundrigan?

Mr. LUNDRIGAN. I am the general superintendent of the industrial department of the International Paper Co.

Chairman WALSH. How long have you occupied that position, Mr. Lundrigan?

Mr. LUNDRIGAN. Three years and eight months.

Chairman WALSH. Prior to that what was your occupation? If you will kindly briefly give your business history, we would be obliged.

Mr. LUNDRIGAN. I was for nine years and six months previous to that—well, I had so many different titles it is somewhat difficult to enumerate all of them, but I was part of the time nominally and part of the time actually chairman of the New York State Board of Mediation and Arbitration.

Chairman WALSH. During the nine years prior to that time?

Mr. LUNDRIGAN. Nine years and six months.

Chairman WALSH. What was your business originally before you held any such position?

Mr. LUNDRIGAN. I was a railroad conductor.

Chairman WALSH. In what part of the country?

Mr. LUNDRIGAN. Erie Railroad, New York State.

Chairman WALSH. Now, Mr. Bird, you may proceed.

Mr. BIRD. Mr. Lundrigan, in 1906 I believe there was a strike of longshoremen in New York State and in the States bordering on the Great Lakes. Will you kindly tell us about the difficulties you had in intervening in that controversy?

Mr. LUNDRIGAN. Well—the strike I presume you refer to—I am not too clear on the date, but that was the general strike of marine engineers and longshoremen, firemen, etc.?

Mr. BIRD. Yes, sir.

Mr. LUNDRIGAN. In fact, a general strike on the Great Lakes?

Mr. BIRD. Yes.

Mr. LUNDRIGAN. Well, as far as the State of New York was concerned, while we suffered very severely from the effects of the strike, particularly at the port of Buffalo, which is to a very large extent the point of breaking bulk for most of the lake traffic, when we undertook to see what could be accomplished under the statutes under which we were operating we found that we were absolutely without jurisdiction. In other words, we found that no responsible officer of any of the employing corporations lived or maintained an office in the State of New York. That was equally true of all of the labor organizations involved. The longshoremen's organization has since moved its headquarters into New York State, but at that time it was in Detroit.

Mr. Joseph Bishop, the secretary of the Ohio State board, is entitled to whatever credit might be due for having made what we thought might be an effective effort toward mediation or conciliation. He sent a letter to the chairmen of the several boards of arbitration of, I believe, six States bordering on the Lakes, suggesting that we undertake to hold a joint conference for the purpose of seeing whether or not we could effect mediation or conciliation. And before I forget it, one fact there is that we discovered, or think we did, and one that I think should occupy the attention of you gentlemen particularly, was that even though none of us had jurisdiction we also discovered that the Federal Government had no jurisdiction. In other words, as it read at that time, did not apply to water transportation. I think that is the situation at the present time.

In addition to that, we were confronted with the proposition that perhaps an international situation was involved. But, however, we met—I will say before going any further, I do not want to bother you gentlemen with details. If you want them I would be glad to give them.

Chairman WALSH. We would be glad to get them, as briefly as possible. Please give the detail of one typical case.

Mr. LUNDRIGAN. Just this: The boards of the six States met and organized and put in three weeks in an effort to effect conciliation, at least to the extent of getting the parties to the dispute in the same room with each other to talk the matter over. We were not only unsuccessful, but it was necessary that I make a special trip to New York and appeal to the Hon. Seth Low, who at that time was the president of the National Civic Federation. We asked his help, which he very generously volunteered, making a special trip to the city of Cleveland, and did succeed in securing an interview for those representatives of the six great States involved on the part of the Lake Carriers' Association, but we did not succeed in, even, as I said before, getting the two contending forces in the same room; conciliation absolutely failed.

It seems to be one of the cases where there should be some Federal agency for meeting the situation.

Mr. BIRD. You might say, then, in this case, in the first place, that the State machinery was unable to assist in the administering of affairs; and in the second place, the Federal Government could not come in, because it was something that had to do with water transportation; and in the third place, the only means of bringing these groups together was through private agencies; and the conclusion would be that there should be some public machinery to handle such controversies as that.

Mr. LUNDRIGAN. I don't want to be misunderstood. The private agency did not succeed in bringing the parties to the dispute together, but simply succeeded in getting that courtesy for the different State officers, so far as the employers were concerned. We had no difficulty in securing all the information we desired from the representatives of the different national labor organizations. They presented us with oral and written information which, so far as we know, were the facts. My conclusion would be that it is very essential that the Government provide some direct agency for a compulsory investigation of disputes of that character.

Mr. BIRD. Do you remember how long the fight lasted?

Mr. LUNDRIGAN. Well, it was acute for practically two seasons of navigation.

Mr. BIRD. Would you say the cost of that strike amounted to near a million dollars?

Mr. LUNDRIGAN. Well, I would imagine, inasmuch as the receipts at the port of Buffalo alone during the months of July, August, and September usually amount to above a million bushels of grain a day and the proportion of iron ore is much larger, I would say that the loss at the port of Buffalo was much greater than that. I do not consider that I am competent to estimate the actual loss.

Mr. BIRD. But you are willing to say that there was a large loss?

Mr. LUNDRIGAN. This traffic might have been moved by rail or some other way; I could not say as to that. But provided it was not moved, there must have been an enormous loss.

Mr. BIRD. Now, in 1910 there was a second interstate controversy in which you were interested, was there not, the International Paper Co.'s troubles? Will you tell us, please, the size of the International Paper Co. and the extent of its operation? What States were involved in the strike?

Mr. LUNDRIGAN. The International Paper Co. operates in five States, and has what amounts to 31 separate plants or units under 24 separate local managements. Its general offices are in New York State. The general offices

of the three principal labor unions involved in that controversy are also in New York State.

Chairman WALSH. What were the labor unions involved—the three labor unions involved?

Mr. LUNDRIGAN. Well, they were the International Brotherhood of Paper Makers, the International Brotherhood of Pulp, Sulphide, and Paper Mill Workers, and the International Brotherhood of Stationery Firemen. I do not think that is just exactly the title. I think they call themselves stationery firemen, water tenders, etc. I am not clear on just what this correct title is.

Commissioner GARRETSON. That is Mr. Healy's organization?

Mr. LUNDRIGAN. Yes, sir; we are at the present time doing business with several other organizations who have comparatively a small number of men, in our mechanical trades in our plants; but I will say that those were the large and important organizations.

Mr. BIRD. How did it happen that New York State became interested in this controversy? What was your official connection with it?

Mr. LUNDRIGAN. Well, of course, we tried to be interested in all of the important controversies that arose during the time that we were on the public pay roll; and I presume that it was simply following the natural order of things. I recall quite distinctly at the time the trouble originated that our organization at that time was such that one of the members of the board besides myself was located at the Albany office, and the other member was located at the New York suboffice permanently.

Mr. BIRD. What were the first steps that you took after this controversy?

Mr. LUNDRIGAN. The first steps we took when the strike originally started in the Hudson River Mill at Cortland was that one of the members of the board immediately went to the scene of the strike which, so far as we knew at that time, was purely local.

Chairman WALSH. Where was that?

Mr. LUNDRIGAN. At Palmer Falls, or Cortland, N. Y. The other member who was located in New York City went to the general offices of the International Paper Co., and in both instances we did practically all that we were employed to do; that is, so far as the formal part was concerned. We, of course, offered our services in the way of mediation and conciliation. In a very few days the strike extended from one plant to another, until it finally became general, extending over the entire international territory, although, I believe, there was one or two plants in which there was no serious interruption of operations.

Mr. BIRD. What were the results of your offer of mediation and conciliation?

Mr. LUNDRIGAN. Well, there was a condition there then that I, of course, was unusually familiar with. The original situation was that the labor unions had been at war with each other. The labor unions concerned in that particular case had been at war with each other, and they took turns, for several years before that, getting at war with the company, and the usual situation was when trouble occurred, why, the fellows that they were not fighting, why, they helped fight the company, or the fellow that was fighting the company—not for any love of the company at all, but as a sort of reprisal on the other fellow. That seemed to be the situation.

Commissioner GARRETSON. A jurisdictional war?

Mr. LUNDRIGAN. It was to some extent, Mr. Commissioner. The facts were that a few years before that what is known as the pulp and sulphide workers' organization, and numerically the larger of the two, was a member of the paper makers' brotherhood, was one organization, and a few years before then there was a secession, or a new organization formed, which left a very bitter feeling. In 1908, for instance, the paper makers were on strike, and the feeling was so bitter between the two organizations that the pulp and sulphide workers refused to go on strike.

The result was, or rather, the effect of that was, that it helped to lose the strike on the part of the paper makers. Of course, we were in continual negotiation with the company. We soon learned that the individual mill superintendents were operating under a system which was controlled by the central office, so that we realized whatever we might be able to accomplish must be done through the general office or general officers of the company. The situation became so grave, particularly in New York State, and the military having been in arms for some time in order to preserve the peace and more or less rioting, that we determined, although we were practically without any resources so far as any particular State money or fund was concerned—and I

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might say, in passing, very little in any fund—between the commissioner of labor and myself we decided that it was necessary that, both from the standpoint of avoiding public criticism and with the possible hope that something might develop that might result in a settlement of the trouble, that we would hold a public investigation.

Mr. BIRD. Can I interrupt just a moment? How were your friendly offices received by the labor interests?

Mr. LUNDRIGAN. I will say this, that so far as my personal contact with all the parties was concerned, they were very pleasant. They always used us very pleasantly and courteously, and, apparently, gave me the information we had any reason to expect from either of the parties.

Mr. BIRD. How did it happen, then, that it was necessary to call in the military, that affairs came to such a state as that?

Mr. LUNDRIGAN. Well, the International Paper Co. had undertaken to operate its plant, and for that purpose had brought strike breakers, as they are commonly termed, together with such of their own men as were willing to return to work, or who had continued at work, they were endeavoring to operate their plant, and, of course, claimed that they were operating them to a very large extent. In fact, they claimed at the time this investigation started—I think the statement of the company, which I have in my pocket here, made the assertion that they were producing about 85 per cent of normal product.

Mr. BIRD. How did the military happen to come in? At whose request was the military sent in?

Mr. LUNDRIGAN. Well, now, I don't recall just exactly, but I think it was at the time it was on account that there had been a dynamite explosion at the Hudson River mill, a stick of dynamite was apparently thrown into a coach containing some of those imported workmen, and while it did no damage to any individuals, it shattered a part of the car and looked like a somewhat serious situation. I believe there had been quite a number of assaults in that and other localities, particularly in Palmer Falls.

Mr. BIRD. Did the governor think that was sufficiently important to send in the military, or did the military come in at the request of the company?

Mr. LUNDRIGAN. Well, I guess the situation was—I am not quite clear on that, but I guess the situation was that the International Paper Co. served notice on the county authorities that they would hold them responsible for the protection of their property, and I think, although I would not want to state it as a fact, that the sheriff of the county, perhaps, requested the governor. I don't know, of course, what the governor thought.

Mr. BIRD. Now, if the International Paper Co. was shipping in men to take the place of the men striking, it would seem, would it not, that they were not willing to mediate?

Mr. LUNDRIGAN. Well, they, of course, contended there was nothing to mediate, so far as that was concerned. They contended that they had been in friendly conference with their employees, and all that sort of thing, that they were ready and willing to treat with them, but they would not recognize the union. You see, they had had, I presume, as large a variety of trade agreements—based on different construction and principle—as any corporation I have had the good fortune or misfortune to come in contact with. They seemed to have a mania for making agreements. They came to the point where they made an agreement with the pulp and sulphide workers' organization, and the firemen's organization in 1908, and refused to make an agreement with the paper makers' organization on the ground the paper makers' organization had been unreliable in their dealings with them in the past and, as they claimed, had broken their previous agreement.

Mr. BIRD. Now, in tendering your friendly offices to the labor interests, you found that they were unwilling to mediate because they wanted their unions recognized; was that the idea? They refused to mediate unless their unions were recognized?

Mr. LUNDRIGAN. I don't believe I just understand.

Mr. BIRD. In tendering your friendly offices to the labor interests; that is, the different unions who were on strike, did you find that they refused to mediate on the grounds that they wanted their unions recognized?

Mr. LUNDRIGAN. Well, they did not refuse to mediate. The facts were, as the case then stood, the International Paper Co. refused to deal with the men who were then the international officers of the labor organization. And as I started to tell you, the move that, you might say, was the next step to this 1910 strike, was the fact that there had been, as it turned out afterwards, an

amalgamation, or, rather, a sort of alliance established between the Brotherhood of Paper Makers and the Brotherhood of Pulp, Sulphide, and Mill Workers.

In other words, they had buried the hatchet, and the International Paper Co. evidently looked on that as a breach of faith on the part of the sulphide workers with whom they had an agreement which amounted to a closed-shop agreement, in words, at least. Therefore the International Paper Co. served the required 60 days' notice on the Brotherhood of Pulp, Sulphide, and Paper Makers terminating the agreement, which, I suppose, the labor unions looked on as a war measure on the part of the International Paper Co.

Mr. BIRD. Well, now, how did your board go to work to handle the situation? The mediation proceedings having failed, what was your next step?

Mr. LUNDRIGAN. My next step was to get the consent of the commissioner of labor to hold a public investigation.

Mr. BIRD. Now, did you have powers to hold a public investigation?

Mr. LUNDRIGAN. Not without the consent of the commissioner of labor.

Mr. BIRD. But, with the consent of the commissioner of labor, did you hold—could you hold an investigation whether or not either party to the controversy was willing?

Mr. LUNDRIGAN. Yes; we assumed that power. We believed we had it.

Mr. BIRD. In other words, you had compulsory powers of investigation with the consent of the commissioner of labor?

Mr. LUNDRIGAN. Yes.

Mr. BIRD. Would you tell us how you used those compulsory powers, briefly?

Mr. LUNDRIGAN. Well, we naturally had a pretty complete knowledge of the different individuals who were taking an active part in the strike in the State of New York, and we simply set a date for beginning the hearings, designating the place where the trouble started, the village of Corinth, and issued subpoenas to all of those individuals. In addition to that, we, of course, issued a notice to the different officers of the employing corporation and the several labor unions involved, and made the broad general statement that this did not exclude anyone from giving information that we were anxious to get all the information we could.

Mr. BIRD. Could I interrupt you a minute? Had you ever used these compulsory powers of investigation before—your board?

Mr. LUNDRIGAN. No; we had threatened to several times, but we never had used them.

Mr. BIRD. This, then, was your first experience with this procedure?

Mr. LUNDRIGAN. Yes. It was the second—well, it was the third time investigations had been started by the State of New York, and, as a matter of fact, there never has been one completed. This investigation never was completed. The Hoe Printing Press Co., I think, in 1899 or 1900 and the grain scoopers' strike on the Great Lakes, or at least at the port of Buffalo, at the same time, I think, in 1900, I don't think that in either of those cases the board had ever got so far in its procedure as to have called a witness. The mere fact that an investigation was about to be had was sufficient to induce the parties to get together in some form.

Mr. BIRD. In other words, you found that a very valuable, that potential power, or a sort of concealed weapon?

Mr. LUNDRIGAN. Yes.

Mr. BIRD. Well, now, how could you get to work to gain your evidence and make this investigation? Would you mind telling us briefly, please?

Mr. LUNDRIGAN. Well, we were pretty fortunate. In the first place, we had a little system of our own which we developed for securing advance information as to strikes and lockouts. In addition to that we had in the labor department at that time a Mr. Fitch, who is now, I believe, connected with the Sage Foundation.

Mr. BIRD. Mr. John Fitch?

Mr. LUNDRIGAN. Yes. And as soon as this was determined on I asked Mr. Fitch to make a trip over the different localities in the State of New York where this company operated and secure all of the data that it was possible along certain lines. The information that he secured was of a good deal of help to us in shaping the inquiry itself. But we did quite a number of things that were forced on us to some extent. In fact, some of the attorneys called on me as chairman of the board and wanted to know what the rules of procedure were to be, etc., and I told them that, in the first place, if any attorneys were to be there it was to be distinctly understood that they were to be there as a matter of courtesy and not as a matter of right; and that so far as the

regulations under which the investigations would be conducted, that we intended to make such common-sense rules as might apply to any other particular situation that arose, and that we would even reserve the right to reverse our procedure if the occasion required, and that we would simply take the responsibility. We did not see any other way.

Well, I assumed that we were making a precedent, creating a possible rule to follow, and, as I said before, we tried to avoid a repetition of testimony as much as we could without in any way curtailing anyone's right to be heard. We insisted on the elimination of personal controversies, and, so far as was possible, matters that were entirely foreign to the dispute itself.

We claimed and exercised the right to go back as far as we saw fit with reference to any causes leading up to the dispute. We simply went on and examined the witnesses that we had summoned, and several who volunteered. We gave the company the opportunity to present evidence if it saw fit, insisted that nothing should go into the record that was not placed there under the oath of some one.

Mr. BIRD. What was the result of this investigation? Did you make a report or recommendation?

Mr. LUNDRIGAN. Well, we held a hearing in the village of Corinth and consumed I think two days and a part of another one in the city of Glens Falls. We adjourned for the purpose of making a report, which we were required by the statute to do within 10 days. I believe the same night, or the following day, a personal request was made by two—I think three—of the international officers of the labor unions that we make another effort at mediation and conciliation. It came out in the conference that Mr. Lyons, who was then commissioner of labor of the State of Maine, was in conference or negotiation with the officers of the International Paper Co. with, it was stated, a very bright prospect of effecting at least a conference between the company and its striking employees, or their representatives.

Under those circumstances, we positively declined to undertake any further mediation or conciliation, and particularly in view of the fact that we had repeatedly stated to all of the parties to the controversy that we had exhausted all of our resources and powers of mediation or conciliation, before we started the investigation. But, however, I felt the responsibility was too great to not make every effort possible. I telegraphed Mr. Lyons stating what I had understood, and asking him to reply promptly, which he did. In a very short time I received a reply back saying I had been misinformed as to his efforts in the direction referred to. Thereupon I agreed to undertake to arrange an interview between the responsible officers of the company and the officers of the employees, and found the company willing to meet with anyone other than those with whom they had the previous controversy. We finally arranged to meet some of the other international officers in a preliminary conference, which resulted in a general conference of the striking employees. There was 36 delegates, I think, and practically every plant was represented. This conference continued here for five or six days, and I think exactly 10 days from the day the investigation was started, the day we began taking testimony, a formal agreement was signed settling the disputes in all of the plants of the companies in which all unions were recognized, and have since been doing business with the company.

Mr. BIRD. When you refer to the commissioner of Maine, there was another difficulty, of this being an interstate difficulty; if any other labor people had interfered your work would have been useless?

Mr. LUNDRIGAN. When it gets down to a question of fair treatment and official courtesy, you couldn't very well interfere with some other State, where some other State had an interest that you were not familiar with.

Mr. BIRD. In regard to the military, did they withdraw as soon as you started this compulsory investigation, if you remember?

Chairman WALSH. What is that?

Mr. BIRD. The military—did they withdraw when this compulsory investigation was started?

Mr. LUNDRIGAN. I think not. I want to say that in the information we had been able to gather from one source or another we had quite a number of criticisms and complaints of the military itself, and we simply turned copies of all that correspondence over to the commanding officer and informed him of this hearing, and simply told him it was for his information and such use as he saw fit to make of it. We did not hear anything more of it.

Mr. BIRD. If it would have been possible for your board to have started a compulsory investigation immediately after the dynamiting, do you think that would have prevented the military from coming in if you could have set the wheels to going?

Mr. LUNDRIGAN. I couldn't say as to that.

Mr. BIRD. Do I understand, as the result of this compulsory investigation, the two parties to the controversy finally came together?

Mr. LUNDRIGAN. Well, it would be perhaps a little egotistical to say that that was true, but I doubt very much if any one would contradict that that was the direct cause of bringing about a settlement of the dispute.

Mr. BIRD. However, it really did start things going, did it not?

Mr. LUNDRIGAN. Oh, yes; it was the direct result—this conference was the direct result of that investigation, no doubt about that.

Mr. BIRD. Now what was the result of the experiments of the International Paper Co.? Since the investigation have the labor troubles been any more or have they disappeared?

Mr. LUNDRIGAN. Well, I will tell you: When this amicable settlement was reached, we stated to all of the parties before they separated that notwithstanding the fact that there was ten hundred and odd pages of testimony that we took which disclosed some, what I would call, very deplorable conditions on both sides, that no good could come from making an exhaustive or detailed report, and it was agreed that we would simply make a general report touching on the general phases, conditions, and history of the trouble itself. Incidentally we incorporated in that report a paragraph in which we stated that we believed that it was just as essential that large employers of labor, especially where their plants were isolated from the general management itself—that it was just as necessary that they have some responsible officer in charge of their industrial affairs, as it was that they should have some responsible officer in charge of the buying of their raw material or the selling of their products; or words to that effect. I don't remember just the language of it. And the International Paper Co. sort of took me up at that proposition. In other words, they wrote me a letter in which they quoted that paragraph and wanted to know how it could be worked out; and, to make a long story short, they finally wound up a few weeks later by putting it up to me to work it out. So I have been engaged in that effort for them since October, 1910, and this strike ended on the 14th of May. Now all our contentions—and we have them and always will have—are thoroughly and fully investigated these days.

We start on the theory that no matter how ridiculous an assertion, a claim, or contention made on the part of our employees individually or collectively, may appear that it may be wholly, and it probably is partially, true and whether it is or not that it is just as much to our interest to show that it is true as it is to show that it is not true. Because if it is true, there is something wrong with our management. If it is not true, it will be a discouragement to our employees to be presenting ridiculous complaints. We did have a great many of them that looked somewhat ridiculous to me some few years ago; but we have very few now, and none of them look very ridiculous.

Mr. BIRD. Now, as the result of that experience with mediation and arbitration and investigation, I would like to ask you your opinion as to compulsory investigation. What would you consider an ideal way of going about on investigation? Do I understand that first you would make a preliminary survey and get a line on the proper witnesses?

Mr. LUNDRIGAN. Well, I think with a properly equipped commissioner or board of arbitration in each State that you will not need any preliminary survey at all, because you will be in touch with the situation before the strike occurs.

Mr. BIRD. Would you be kind enough to outline what you think would be a properly equipped board?

Mr. LUNDRIGAN. I would call a properly equipped board one where, in the first place, you had absolute power of compulsory investigation, and where you had—

Mr. BIRD (Interrupting). What would those powers include, please? Subpoenaing, I suppose?

Mr. LUNDRIGAN. Right to subpoena witnesses and—well, practically a copy of the New York State law on that subject would be good enough, so far as that part of it is concerned. I am very strongly of the opinion that the individual or set of individuals, in case you had a commission or a board, should not be subject to the approval of anyone, as to whether or not they should have such an investigation. I believe, in the first place, the men who are intrusted with

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that power and authority should devote all of their time to keep in touch with the industrial situation in the territory over which they had jurisdiction; and in doing that that they should be paid something like reasonable compensation for it.

Mr. BIRD. Now, what would you call reasonable compensation for it?

Mr. LUNDRIGAN. Well, I should say that the men who act as a board of mediation and arbitration in the State of New York should receive as high salary as any appointive officer in the State of New York.

Mr. BIRD. And, I understand, subject to the governor only?

Mr. LUNDRIGAN. Yes, sir.

Chairman WALSH. What is that highest salary?

Mr. LUNDRIGAN. Fifteen thousand dollars.

Mr. BIRD. Now, you are in favor of a board receiving a salary of \$45,000?

Mr. LUNDRIGAN. Well, I have no particular pride of opinion as to whether it should be a board of three or a single commissioner. I believe a single commissioner with a proper field organization could promote in this or in any other State in a very few years a situation where you would practically have, so far as things entirely local are concerned, what would amount to a local arbitration board.

Mr. BIRD. What do you mean by field organization?

Mr. LUNDRIGAN. Why, I mean an office staff. Why, when I first took charge or assumed charge—the statute did not give me charge of the board of mediation or arbitration for the first four years I was in the department. But the commissioner of labor at that time—there was a commissioner of labor statistics and that was his particular position to which I was originally appointed. The other deputy commissioner had been the State factory inspector and he was very much interested in that work, and the work was so enormous in volume that it would be impossible for him to give any of his time to this; but the statute itself provided that the commissioner of labor would be in charge of the work of mediation and arbitration and the second deputy, which at that time was myself, was supposed to have charge of the bureau of labor statistics. Well, as a matter of fact, they just simply said to me, "Now, you will have to look after this mediation and arbitration proposition." Why, we did not have a clerk; not a clerk. I used to arrange with the man who generally opened the mail—or rather who received the mail and answered the telephone, and so forth—I used to arrange with him to open the mail, if any came, and I let him know as nearly as I could where I would be, and I told him to let me know if anything important occurred. That was the way we were doing business when we started in. And I will say, in passing, that I don't know that you can—in fact I know you can not heap any particular criticism on the law or the system at that time. It was simply the lack of general interest on the subject; because just previous to that they had a board of three commissioners which was a separate institution, and one of them was the editor of a newspaper and the other one—well, I guess two editors of newspapers and one labor man. Well, I guess the labor man devoted a good part of his time to the business of the board; and the other two men I guess devoted all the time they could without neglecting their own business too much. That is the reason I make the point that if we are going to have anybody engaged in doing this, what I consider very important and responsible business, you have got to have some one who has the individual incentive of compensation—we might just as well call things by their right name—to devote all of his time and energy to it; so that he is not waiting to make a preliminary survey after a strike has occurred, but so that he is so closely in touch with the industrial pulse of the State that he knows almost to a certainty where there is likely to be a strike. I think we pretty nearly knew it when I left the department. I take it we pretty nearly knew everywhere there was likely to be a strike before it occurred; and I think perhaps the department does now. I am entirely out of touch with it myself. I have not even had an opportunity to have a personal talk with the gentlemen doing that work.

Mr. BIRD. They will have an opportunity shortly to describe the way they do their work now. Now, would you take up this independent commissioner of labor system, or do you think it should be closely connected up with the labor department?

Mr. LUNDRIGAN. Well, I believe the labor department, and especially as it has been officered for some years, is in thorough accord and sympathy with this subject; but during my experience there we were simply handicapped by being underpaid and because the general fund from which to draw was so

meager that there was nothing in a financial way to do this business with. The way I would have the arbitration officers coupled with a department of labor, I would have them just as closely coupled as they possibly could be coupled by statute; something along the lines that the compensation commission is at present. Now, for instance, the commissioner of labor is ex officio member of the compensation commission, and his field force is available for all the research or study that the compensation commission deem necessary to make through that avenue or in that direction. I would by no means separate them, because it would be simply a duplication of statistical and other work, which is entirely uncalled for and might be confusing. I would go further and say that if it were constitutional—which I very much doubt—I would like to see the whole thing coupled with the Federal Government, because, except in the building trades and in local transportation, a very large percentage of our important disputes are interstate so far as the operation being carried on in more than one State or the principal marketing being done in more than one State or the principal purchasing of its raw material.

Mr. BIRD. Granted, Mr. Lundrigan, that it was possible for the Federal Government to enter into State controversies where big business was involved, what kind of a Federal organization would you think would be adequate to handle such a proposition, and would you have one independent mediator or would you have a commission of mediation and investigation or arbitration, or how would you get at it?

Mr. LUNDRIGAN. Well, I said some time ago—I believe, as with the State officer, I believe the Federal officer who has charge of this general subject certainly should not be tied down or handicapped by any other duties or responsibilities except something incidental to this. Now, we all know that it is almost a joke when the Federal Government starts out to investigate general conditions as to the result of strikes. They come along about five years after the difficulty is over with, and of course the employer says he did not have any trouble at all; just a little flurry, and a few of the men quit, and he filled their places immediately, or he says, "Why, we made a trade-union agreement; that is all there is to it." The employee, if the strikers lost, and whether or not the particular men who happened to be secretaries of the different locals or even international men, they die or pass into oblivion frequently.

So the information is—I won't say valueless, but very misleading. The public gets it about seven years old, when it is printed, and—well, of course I may have a prejudice against statistics, because that was the first public job I ever was appointed to and I never worked at it, but I have taken some interest in industrial affairs one way and another during a good part of my life, and I am frank to say that I can not understand the statistics that the Government and the States get up. I can not get any reason out of most of them—perhaps some people can; perhaps they are valuable for students of social economy—but I make the positive statement, and you can verify it very easily, that not 1 per cent of the men actually engaged in industry, workmen and employers, read them; and I do not believe that 50 per cent of the 1 per cent understand them when they do read them.

Mr. BIRD. You referred a short time ago, Mr. Lundrigan, to the fact that you would need a staff that would constantly be collecting facts for you in regard to controversies and pending controversies—a staff to collect those details and that material. Would you not call those statistics?

Mr. LUNDRIGAN. Well, those would be available through our Bureau of Statistics of the State of New York. I think, perhaps, the State of New York—perhaps I may be a little bit prejudiced, too—but I think, perhaps, they have the most comprehensive and capable statistical information on this subject of any State that I know of, because it is fresh.

Mr. BIRD. You consider that valuable?

Mr. LUNDRIGAN. Yes, sir.

Mr. BIRD. Then you would not condemn statistics if properly handled?

Mr. LUNDRIGAN. I would condemn them only from the point of getting laboring people—anything like a reasonable per cent of them—to understand them.

Mr. BIRD. If those statistics were put in such way so that people could understand and get them on time they would be valuable.

Mr. LUNDRIGAN. Oh, no doubt, and they would no doubt be valuable to a man naturally, such as would be upon a board of arbitration of a particular State or the commissioner of arbitration of the United States, if there were one. They would naturally be men who could study those and could understand them; but those things actually 6 or 7 years old are absolutely of no account.

Mr. BIRD. Then if the Federal Government should collect statistics promptly, get them out promptly, and get them out in a way that the ordinary man could comprehend them, you would favor the handling of statistics?

Mr. LUNDRIGAN. Yes, sir.

Mr. BIRD. You would favor the same Federal body of mediation having such an office connected with it, or working through the bureau of labor statistics to do that work?

Mr. LUNDRIGAN. Yes, sir; if it was done promptly.

Mr. BIRD. Did you say whether or not you would favor a single man or a body of men to act with this mediation body?

Mr. LUNDRIGAN. My idea would be this, and the same thing would apply to a State generally. You take this great State of New York, or the Federal Government, and with the variety of enterprises, variety of occupations, large number of technical or detail questions that might come up in connection with one controversy that would not occur at all in connection with another; for instance, we will say—with an investigation you could do that with your own force, but where you might possibly resort to an arbitration, that this single body could designate an arbitration board, but he naturally would know individuals who are competent and familiar with the particular questions at issue; but I believe that we are abusing this term arbitration a great deal; I believe that the average arbitration, without any investigation, is very apt to work just as much harm as it does good. I believe that, in justice to the arbitration board or commission, if one is created, that, instead of asking them to go out and get all of the information or to jump at a conclusion, any conclusion they see fit, that there should be a thorough investigation of any dispute that is important enough to be arbitrated before it is arbitrated.

And my best judgment is that, if it were the well-established policy of this or any other State and of this Government, and if everybody knew that just so sure as an important strike would interfere with the public convenience or safety, or even pleasure, if they knew that the moment that was interrupted, that on account of a strike or a lockout, that a thorough, impartial investigation would ensue, without any reference to whether anyone wanted it or not, that it was simply the obligation of some State or Government officer to institute it forthwith, I believe you would have very few important labor disputes, and where you did they would not be very troublesome; there would not be much difficulty in determining who was at fault.

Mr. BIRD. Do you think it would be possible for this Federal body to cooperate with the different State bodies?

Mr. LUNDRIGAN. I became so much interested so that, as a result of this experience we had in connection with this Great Lakes dispute, where there were six boards of arbitration represented, we all felt more or less discouraged over the outlook, but we decided that—well I gave a little talk on that down at the convention at Washington, which the *Annals*¹ was kind enough to want to publish, and I gave it to them—we decided that it was going to be practically necessary that there be a closer cooperation between the different State governments. And one of the things we decided we would do would be to undertake to form amongst ourselves a national or an international association of the men who were elected or appointed to do that work in the different States and the Dominion of Canada. Our main object was to secure uniformity and cooperation.

Now, I make the assertion that to-day no State or Federal Government knows, or ever will know, anywhere near reliable statistics with reference to, for instance, the telegraphers' strike, or with reference to the International Paper Co. strike in 1910, because statistics were collected in some States in one way and at one time, and in other States in another way and at another time, and some of the States perhaps were not collected at all. We got so far that we got an interest in that subject to the extent that we held a convention a year later, and I think we had 16 States and the Dominion of Canada represented. I left the department about that time.

I believe that is one of the very important things that should be done.

Chairman WALSH. Is there a record of that effort, giving the names of the States and Territories up to that time?

Mr. LUNDRIGAN. What?

Chairman WALSH. Is there a record of that effort, giving the names of the States and Territories up to that time?

Mr. LUNDRIGAN. Yes.

Chairman WALSH. Could you give us a reference to it by any memorandum that you have there?

Mr. LUNDRIGAN. I have a copy of it. I presume I could find the particular report. It is printed in one of the bulletins or reports.

Chairman WALSH. Would you be kind enough to give us a reference to it so we could get at it, or furnish it to the commission?

Mr. LUNDRIGAN. Yes, sir; I would be very glad to do that.

Mr. BIRD. That is all I would like to ask.

Chairman WALSH. Would you like to ask some questions, Mr. Garretson?

Commissioner GARRETSON. Yes, sir.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. Mr. Lundrigan, I shall assume that you are fairly familiar with the old Erdman Act?

Mr. LUNDRIGAN. I am not so familiar, but I have read it several times.

Commissioner GARRETSON. Are you familiar with the Newlands Act, its successor?

Mr. LUNDRIGAN. No; except as I have read it in the newspapers.

Commissioner GARRETSON. Not with its practical working?

Mr. LUNDRIGAN. No, sir.

Commissioner GARRETSON. Are you familiar with the working of the Canadian compulsory investigation acts?

Mr. LUNDRIGAN. I am not.

Commissioner GARRETSON. In reference to your statement that you believe in a compulsory investigation, the reason I desired to know if you are familiar with these acts, was to know whether or not you knew what the comparative results of action under those processes brings about?

Mr. LUNDRIGAN. I was speaking of State action, Mr. Commissioner.

Commissioner GARRETSON. Well, in your opinion, has it grown to a state where, on account of the fact that the marketing of the product of any great industry has become interstate instead of intrastate, and on account of the fact that the raw material is drawn largely from interstate sources; and the large combinations of labor have their plants interstate in character that, year by year, this whole question takes on a greater interstate aspect than heretofore, and in consequence that the real lessons for the methods to be followed, must be drawn from national plans instead of from State plans, isn't that true?

Mr. LUNDRIGAN. I should say so; yes, sir.

Commissioner GARRETSON. That being the case, it becomes almost a necessity, does it not, to draw conclusions from national methods in preference to State methods as to furnishing a satisfactory solution of the large problems in mediation or arbitration?

Mr. LUNDRIGAN. Yes.

Commissioner GARRETSON. Have you ever given any thought to the fact that the Canadian Dominion compulsory-investigation acts make it virtually impossible for large bodies of men or large or different owners at the same time to get any action on a matter that they desire attention to?

Mr. LUNDRIGAN. I was not aware of that.

Commissioner GARRETSON. Did you ever follow the record—you were formerly a railway conductor—did you follow the record as established in 1910 as between the time consumed in the settlement of the wage contest under the Dominion act for three roads, and the comparison of time that it took in the United States under the forms of the Newlands Act—not the Newlands Act, then the Erdman Act, in settling 75 properties, and the comparative amount of time used on the 75 properties and on the 3?

Mr. LUNDRIGAN. I don't know that I paid any particular attention to it.

Commissioner GARRETSON. Would you favor a system where it absolutely required more time to get action, by one-third, of 3 cases than on 75?

Mr. LUNDRIGAN. The system that I would favor, Mr. Commissioner, is that the public officer—I am talking all the time from the standpoint of the public officer—

Commissioner GARRETSON. Yes.

Mr. LUNDRIGAN. That the public officer charged with the enforcement or conduct of the laws of conciliation, mediation, and arbitration would have no choice; that he would be the man who would be compelled to investigate. I firmly believe that that is the correct principle.

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Commissioner GARRETSON. The Canadian act does not make it obligatory, does it, upon the officer to act on his own volition?

Mr. LUNDRIGAN. I think not.

Commissioner GARRETSON. He can act upon the demand of either party, or of any municipality affected by what might be the result of the threatened strike?

Mr. LUNDRIGAN. Yes; that I think is—

Commissioner GARRETSON (interrupting). And he can refuse to investigate, also, can he not?

Mr. LUNDRIGAN. I believe so; yes.

Commissioner GARRETSON. Do you believe from your experience that a tribunal, national in its character, created for the purpose of mediation or arbitration, can be utterly independent of any other channel of government or any other machinery of government, precisely as is the case at the present time with the Newlands Act, the commission thereunder, or the Interstate Commerce Commission—a separate function of government, responsible only to the head of the government, the President?

Mr. LUNDRIGAN. Yes, sir.

Commissioner GARRETSON. Do you believe that a body in control of—not necessarily in control, but in an advisory character, composed equally of commercial and manufacturing interests; in other words, commerce and representatives of employees, as given expression through the ordinary form of the unions, that an advisory body of that kind acting in conjunction with a bureau or by whatever name it might be called, of conciliation and mediation, could exercise a moral influence that would be of value in compelling by moral forces only both employer and employee to submit themselves to the good offices of an agency of the character named?

Mr. LUNDRIGAN. Unquestionably; I absolutely believe in that. I believe that in fact, that is what I referred to in my statement as creating local conciliation or arbitration agencies.

Commissioner GARRETSON. I don't know; maybe I misunderstood you, Mr. Lundrigan; I rather gathered from one statement that you favored the providing of arbitrators by appointment by some tribunal, Government or State, as the case might be. Did I understand you correctly?

Mr. LUNDRIGAN. I meant mediators or conciliators.

Commissioner GARRETSON. The words are so often confused?

Mr. LUNDRIGAN. Yes.

Commissioner GARRETSON. But bear in mind that I draw the line sharply, because I have been mediated oftener than any other man on earth.

Mr. LUNDRIGAN. Yes.

Commissioner GARRETSON. But do you believe, either as a labor man, as a State official, or as a representative of a corporation, that the appointment of arbitrators, not mediators, by any tribunal, Government, or otherwise, that did not permit the men to have a voice in the choice of those arbitrators in the ordinary way, would ever be received under any terms by laboring men?

Mr. LUNDRIGAN. Oh, no. If I used the word "arbitrators" in my original statement I simply misspoke myself.

Commissioner GARRETSON. Well, I think that you used the word arbitrator, and knowing some of your opinions, I was rather surprised.

Mr. LUNDRIGAN. Well, if I did, I wish it would be changed or stricken out.

Commissioner GARRETSON. One other question that I simply want to ask you from your experience in the Lake Carriers' Association strike.

We have some testimony from officers of that organization or its successor, and I simply want, if you will offer an opinion, an expression of opinion, do you consider the Lake Carriers' Association, in its relation with its employees, a purely philanthropic association?

Mr. LUNDRIGAN. Well, I did not at that time, Mr. Commissioner.

Commissioner GARRETSON. Have you any reason to believe that their methods have changed enough to put them in that class?

Mr. LUNDRIGAN. I am not familiar—

Commissioner GARRETSON (interrupting). It has not been brought to your attention if they have?

Mr. LUNDRIGAN. No.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Any more questions.

Commissioner LENNON. I would like to ask one question.

Chairman WALSH. Yes; Commissioner Lennon would like to ask a question.

Commissioner LENNON. In your performance of your duties as a mediator,

where did you find the greatest difficulty to bring about a conference, on the side of the workmen or on the side of the employers?

Mr. LUNDRIGAN. Why, my experience is a good deal like that of a consulting physician. Neither side wanted to see you until he was licked, and then the fellow that was licked always wanted the State to come in and settle the thing.

Commissioner LENNON. Will you tell us whether or not there have been any serious difficulties in the paper trade since you have been in your present position?

Mr. LUNDRIGAN. No; we haven't had any trouble whatever since then.

Commissioner LENNON. Well, now, Mr. Lundrigaa, I went all through that fact of that paper makers' contest and know all about it. Will you tell us as to your duties now in your position which you are now holding, so we may see what comes out of it. Tell us what you have to do?

Mr. LUNDRIGAN. Well, I practically—I report to the vice president in charge of manufacturing, and I believe I might state that I have practically outlined and put into effect the present industrial policy of the company.

Commissioner LENNON. Well, if complaints arise, where do you come in?

Mr. LUNDRIGAN. Well, we have a pretty complete system; in the first place, we try to maintain uniform conditions in all of our plants. In each plant the local superintendent is absolutely in charge. We are working under a mutual bargain or trade agreement with some seven or eight labor organizations. It is a joint agreement, so that there is no conflict as to understanding between the different organizations. And a paragraph of that agreement is devoted to the system of handling complaints and grievances. It reads, in substance, like this: "That whenever a local complaint or grievance occurs, it is to be presented to the local superintendent in writing," which we assume through the usual methods that labor unions have for approving of those acts. "And he shall render a decision within 10 days, stating what disposition he has made of the case, or whether he has referred it to the general management."

The local superintendent has absolute authority to decide any local complaint or grievance that don't conflict with our standard rules and his instructions. If an appeal is taken to the general management the general officers of the labor union are also notified, and that is about where I come in, after the appeal from the local superintendent. In other words, I represent the general offices of the International Paper Co. in that particular phase of the business. If we are unable to reach an agreement, arbitration is provided for, but we never yet have had to go to an arbitration.

Commissioner LENNON. And you are the intermediary after the first decision?

Mr. LUNDRIGAN. Not intermediary at all. I represent the company absolutely. It is just simply a case; it is an additional department of the company's manufacturing business; that is all. If we were to resort to arbitration of anything of that sort, some one else would be brought in. I simply would represent the company.

Chairman WALSH. That is all, thank you, Mr. Lundrigan.

Mr. Richards, could you make it convenient to come on the witness stand at 2 o'clock sharp?

Mr. RICHARDS. Yes.

Chairman WALSH. We have another witness here, and I would like to go through with you without interruption. That would be perfectly convenient, will it? Mr. Lynch is absent and can not be here until to-morrow.

Mr. RICHARDS. Yes.

Chairman WALSH. Will you call Mr. Howe?

TESTIMONY OF MR. FREDERIC C. HOWE.

Chairman WALSH. What is your name, please?

Mr. HOWE. Frederic C. Howe.

Chairman WALSH. And what is your business or profession?

Mr. HOWE. At the present time I am director of the People's Institute.

Chairman WALSH. Where do you reside?

Mr. HOWE. New York City.

Chairman WALSH. How long have you resided in New York City?

Mr. HOWE. Four years.

Chairman WALSH. Prior to that time where did you reside, say, for the past 10 years?

Mr. Howe. Cleveland, Ohio.

Chairman WALSH. And what was your occupation prior to becoming connected with the People's Institute?

Mr. Howe. Immediately prior to that I was a professor in politics at the University of Wisconsin. Then prior to that I was a member of the tax commission of the city of Cleveland. Prior to that I was in the State Senate of Ohio for three years. Prior to that I was in the city council and chairman of the finance commission of Cleveland, and during that time I was practicing law in the city of Cleveland.

Chairman WALSH. How long did you practice law, Mr. Howe?

Mr. Howe. Fifteen years.

Chairman WALSH. Have you in these various positions which you have held, been brought in contact with the industrial problem as a whole?

Mr. Howe. Yes; in a great variety of ways. I was president of a manufacturing concern, secretary of another manufacturing concern that did a very large business. For 15 years I was secretary and treasurer of another large industry. So that I had actual contact with labor conditions in Cleveland, which is a highly organized industrial center. On several occasions I have been abroad, making a study of social, economic, and industrial questions.

Chairman WALSH. Have you or have you not written upon governmental and industrial subjects?

Mr. Howe. Yes; I have written several books.

Chairman WALSH. What are they, please?

Mr. Howe. The first book was on Taxation and Taxes in the United States; the second was on The City, the Hope of Democracy; the third was The British City; the fourth was Privilege and Democracy in the United States; the next was European Cities at Work; and another, rather obscure book, was The Confessions of a Monopolist, which was written from my own experience as a practitioner.

Chairman WALSH. As you are aware, the law which creates this commission, requires that we shall attempt to seek and discover the underlying cause of dissatisfaction in the industrial situation, and also the effect of industrial conditions on public welfare and the rights and powers of the communities to deal therewith.

Now, directing your attention to this particular provision of the law, Mr. Howe, I would like to ask you, if you can state in a broad way, what you deem to be the significant or large cause for an industrial unrest that exists? If so, please state it, your opinion, from your observation and your work?

Mr. Howe. Mr. Chairman, as I have followed the testimony given before the commission, it would seem to me to take two general lines: One, an attempt to deal with the situation as it exists, as though that were a permanent condition, subject to such amelioration and improvement as is possible from amelioratory legislation. It was an acceptance of the capitalistic system and the division of society into employers and employees as a permanent and necessary and remediable condition. That seemed to be one assumption and the line of testimony of certain groups.

And the other line of testimony and assumption was that this system should be abolished and in its place a system of socialism should be introduced, and so far as I know those are the two general lines of assumption which have prevailed in the testimony before the commission. At any rate, I will assume that that is true, because I am quite clear that there is another alternative which tens of thousands of people, probably hundreds of thousands of people in the United States and in other countries, accept as just as complete a social program as socialism itself, but which avoids all of the possible evils of a socialistic society which is highly organized and regimented and ruled from above, for both of those proposals involve a large degree of action by the Government.

Socialism, of course, involves the ownership by the State and the control by the State of the means of production; and the other system of amelioratory legislation means that we will have a lot of things like labor exchanges, like minimum wage, like shorter hours of labor, to improve the condition which everybody accepts is bad, but which in its essence will remain unchanged.

Now, I don't believe in either of those philosophies, but I do believe in the philosophy which, for 25 years, has gone under the name of the single tax in this country, or the taxation of land values in the British colonies. And that philosophy is an industrial philosophy. It is a social philosophy, just as much as it is a financial philosophy. By many people it has been assumed that that

was merely a means of getting a revenue under a more just system than that which now prevails; but to those who belong to the school of which Henry George was, of course, the father, it is a complete social philosophy based on industrial liberty, industrial freedom, rather than industrial socialism. And it appeals—those who believe in that philosophy feel that under it all kinds of remedial legislation mentioned would not be necessary; that the wage-workers' position would be so completely changed in the school of contest that he would be well able to take care of himself, for he would no longer be a dependent; he would no longer have only one alternative. He would be a freeman, a free-man industrially. And the trouble with the labor problem, according to the single taxer, is that there are always, and of necessity must be always, more men hunting jobs than there are jobs to go around, and that low wages are the result of 10 men chasing 9 jobs; in which the man out of employment always keeps down the wages of the man in employment. And it is the knowledge on the part of the employing classes that there is a big residuum of men that can always be relied on, can always be called in, that enables them to keep wages at the competitive point. Or, to state it in another way, labor is always competing with itself, and its competition with itself is the thing that keeps down wages.

Now, we believe that the taxation of land values would completely reverse that position, and that then capital would compete for labor; employers would be chasing men; and that that reversal of the situation would tend to a constant increase in wages until the wage earner secured the full product of his toil.

Twenty-five years ago, when Progress and Poverty first appeared, the college professors and students of the subject laughed at it, and protested against it, and assailed it as a wild theory. Within the last five years men like Prof. Adolph Wagner, in the University of Berlin, the most eminent financier in that country, has accepted the underlying principles of the single tax, and has advocated it in a modified way throughout Prussia. There has been an Imperial law passed, which accepts its essentials. The Lloyd George budget in 1909, the discussion of it, was opened up. Lloyd George himself said: "This is not a finance measure; this is the beginning of a war on poverty by which we will break up the large estates in England and reverse the industrial situation and create jobs."

In western Canada for rather different reasons, but for the same philosophy, the single tax has been applied in part as it has in Australia; and in Australia and western Canada, so far as I know, there is a substantial unanimity of approval of this change in the taxing system from all classes, unless it be the land speculators.

Definitely what that proposal is is very simple. It is the simplest of all proposals, and it is the simplest of all social philosophies. Its very simplicity makes people incredulous about its efficiency, but most big social remedies are simple, and if they were not simple they would not be good for much; they would not be effective. And the single tax is simple.

In a State like New York it could be inaugurated in part by a law of about an inch, three or four lines, which would provide "All taxes on houses, improvements of all kinds, personal property, shall be abolished." And with that law taxes for local purposes and for State purposes would settle down to the land. For national purposes the single taxers insist that all Federal taxes on consumption, on internal revenue, on the customs and tariffs should also be abolished, for they carry that philosophy and freedom to its natural consequences, and say a man should have a right to trade where he will. They are free traders, and their two axioms are free trade and free land. Cobden was both; he was a great free trader and a great free lander. The great philosophers prior to the French Revolution, Turguet and De Nemours—the men who laid the foundation for the French Revolution—believed in this system in part; and Adam Smith also laid some foundations for it.

The single taxer would have all taxes off every other conceivable thing and put on the land. Not the land either, but on land values, for they differentiate between land and land values. A very important distinction. And they point to the city of New York, in which the land values have increased from what the Dutch paid for it, \$24, to \$4,500,000,000, just the value of the land around this little spot that you can hardly find on a map is \$4,500,000,000. It is very much more than that if you take all the land into consideration.

That is the biggest individual trust in the world. It is three times as big as the total capitalization of the United States Steel Corporation, against

which there is so much legislation; but here in New York is a valuation three times, but which has come from the growth of population, the concentration of industry; the fact that this is the clearing house of the world has made the land values of this little spot worth the colossal sum, worth four times the total value of all railroads in this State.

If the people moved away there would not be any value here. And to such an extent is it recognized as social value that we know now that every baby that is born adds \$800 to the value of the land. Every emigrant who comes to this port adds \$800 to the value of the land. It is reflected in the census returns, just as people come here land values shoot up. And single taxers base their philosophy on the essential justice of society, getting what belongs to society; on society assuming for its own revenue that which society produces; on first taking the social values before we take individual labor values; on land values or social values. You will find that in the German reports, you will find it in the Imperial discussion in the Reichstag, that practically everybody treated the unearned increment as a social value properly to be taxed.

We found in Cleveland on the tax board that whereas the population had increased 190,000 in 10 years the land values had increased \$190,000,000, or almost identical with that in New York, almost \$1,000 per capita.

Now, what is true of land values in this city is also true all over the country. The United States Steel Corporation is capitalized at \$1,500,000,000, and Mr. Charles Schwab, when he was on the stand at Washington in the Industrial Commission, I think it was 1903 or 1893, said that the capitalized value of their iron-ore lands in their capitalization was \$800,000,000. That was just a few years after that great stretch of land in northern Michigan and Minnesota was not worth more than \$1 an acre. It was a scrub-room space; it was nature's deposit that took hundreds of millions of years to make the Bessemer ores there, and yet men were permitted to own it, and because it had a practical monopoly of the iron ore of the United States it put the capitalization on it that it saw fit, and they said men will have to use iron ore for generations and generations, and we will capitalize the use of ore for 50 years at \$800,000,000. They capitalized the coke fields of Connellsville in the same way.

Other resources like oil and gold and silver, the coal fields of Colorado, the anthracite coal fields of Pennsylvania, have all been capitalized in the same way at any figure that the owner saw fit to put upon them.

It has been computed that out of the total wealth valuation in the United States of \$125,000,000,000, 60 per cent of it is not wealth at all, but land values, so-called land values. And the single taxers would assert that that belongs to all of us, and that it should be used by all of us. It should be done by taxation, which is the easy way to approach it, and the natural way to approach it, and then use this colossal revenue for social purposes.

As an indication of the value of ground rent, the Osage Indians in the Indian Territory, according to the report of the Secretary of the Interior, that tribe of several thousand get an income of \$600 apiece, or about \$3,000 per family, merely on the royalties of their lands. The Government adopts a qualified single tax and levies a royalty on that land, as it might have done for all the lands in the United States, and puts all those Indians in a condition of affluence by keeping the products of nature for all the people.

We made that partially impossible by the system of land laws—we have made that particular policy impossible by the land laws, but we have not made it impossible to do the same thing by taxation.

Now, we are not very much interested here in that philosophy as a tax philosophy, but the adequacy of it as a fiscal measure is represented by the fact that the ground rents in New York alone are \$250,000,000 a year, and that is a burden on labor and, reduced down to a family basis, it means that every family of five in Greater New York has to pay every year about \$200 to \$250 just in ground rent, and that is a cause of poverty. They pay rent on the one hand, ground rent, and taxes on the other; and if we take that burden off the backs of labor all over the United States, running into the billions of dollars, in taxes *alone, collected from labor and put it on ground rent you would relieve industry and labor and business, merchants of all classes of all that tax on industry and labor.* And we would start out with a *tremendous gain from that source alone.*

But the single taxers are not very much interested in the money that would be gotten. That is so secondary that it is a different question altogether from the social philosophy of the single tax.

The mere money that would be gotten, the hundreds of millions of dollars that would come from the land-value taxation, from the taxation of ground rent, is, to my mind, inconsequential in comparison with the great gains that would come to our life, to our society, to industry, and that is what I will try to direct my testimony to now, and I want to state just what would happen if we abolish all taxes on houses and improvements and things which are created by labor and wealth of that kind and putting that tax on land values. And I will take New York City here as a concrete example.

Now, there are three classes in the division of wealth. There is the landlord class, the capitalist, and the laborer; and I am going to discuss that philosophy from the point of view of each. First, what would happen by the taxing of land values to the landowner.

Well, he would have to pay much more taxes, that is quite obvious, for the tax on land values, like the tax on incomes, is the one tax which can not be shifted; it has to be paid by the landlord. John Stuart Mill admits that. All of the economists admit that the tax on land stays where it is put and can not be put upon the tenant. So, first, there will be a very great shifting of the burden of taxation from business and wealth and the products of labor to the landlord. Second, the tax on land would check speculation. And land speculation is one of the greatest industrial curses in the country. Here in the city of New York there are at the present time, according to the figures as to taxes and assessments, where we think all the land is used, there are 200,000 pieces and parcels of land with nothing on them. They are bare and naked. Those, for the large part, are over in Queens and Kings Boroughs. That land a few years ago was worth two or three hundred dollars an acre. To-day it is held from \$20,000 down to \$5,000 an acre. Practically nothing has been done to increase the value of that land, except that babies have been born and people and transit lines have been built. Now, those 200,000 pieces of land would house 2,000,000 people; and I can not admit with some people that people are housed when they are living two, three, and four in a two-roomed tenement. That is not housing and housing people; that is herding people worse than cattle. And there is room in this great city to house half of our population in decent homes if they merely use the land, and the only way you can bring that land into use is to make it impossible for men to hold it idle. It seems to me to be obvious that nature or society, a properly ordered society, should not permit men to hold land out of use; should not permit it—God's first gift to everybody—and allow anyone to put a fence around it and say nobody shall use it, for all our wealth comes from that, our food, our clothes; and to permit the absolute ownership of land and to say it shall not be used, is like saying to mankind you shall not live. That statement, in effect, means that the people in New York must live in tenements, as they do, because the land is being held out of use, which should be used. If we tax that land and increase the burden on the speculators and those who hold it, one of two things must happen, and both good. Either the owner must use it or he must sell it to some one who will use it. I think Lloyd George says in one of his budgets: "This budget means building a fire behind land speculators," and that is what the land tax does, it builds a fire behind the men who, like dogs in mangers, sit on the land and do not use it.

Now, if men use it, or sell it to some one who can use it, it must be used either for building houses or for gardening, and probably for a long time to come for building houses. And that brings the discussion down to the wage-worker. What is going to happen to him? Why, he is going to be given jobs and going to begin to reverse that situation which prevails at the present time by which there are more men than jobs, by creating more jobs than men; and if we tax land so that each individual piece and parcel begins to call for men, to advertise for men, to call aloud for men, there would be work in abundance right here in New York for hundreds of thousands of men for a long time to come. But, of course, it would not stop there. It would be applied to suburban lots and agricultural lands and mines and resources.

Just as there is a lot of land in New York that is not used—so with this country, with greater resources than all of Europe combined. The population in this country at the present time, or at the last census, was 30 per square mile. There are countries of Europe where people live 300 to the square mile. It has been computed by Dr. Franz Oppenheimer, who was over here, and who is a professor in the University of Berlin, that people could live comfortably 600 to the square mile, instead of 300. We know that all the population of Germany could be put in the State of Texas—65,000,000 people, and still leave room for Switzerland. That shows the sparsity with which America is peopled, and

shows the untouched resources here, waiting for labor to get busy on them; and that is only agricultural land. All through the West are coal fields which are held out of use. In Pennsylvania the anthracite coal fields are owned, but are not permitted to be used.

There are all kinds of minerals all over the country which are just owned; and we could apply this same land tax to agricultural land, taking the tax off the buildings on the farms, and off the farm products and off the cattle, and placing it upon the farm land in the same way. We assume that America is a country of home owners, and yet about half our people are tenants, even in the great State of Texas, to such an extent has tenancy come in, that they are organizing in that great State a revolt against landlordism—in Texas! The census shows that less than 50,000 men own estates aggregating 200,000,000 acres; that is a fourth of the cultivated area of the United States, owned by a population of less than a small town. That 200,000,000 of acres is divided into larger estates than those of Great Britain. One-fourth of all our agricultural land or property is owned by just a handful of people, and we are going to have a state of density of population and unfavorable agricultural conditions like those of Ireland and England.

Now, if we tax those great estates—if we tax agricultural land and not merely 1 per cent or $1\frac{1}{2}$ or 2 per cent but 3, or $3\frac{1}{2}$, or 4 per cent, or whatever is necessary, it will make the owners use it. There would be a suction of men out of the cities, and there would be the creating of jobs all over this country. I think the newspapers would be filled with advertisements calling for men to work, because men would either have to work their estates, or give them up to those who would work them. It would be like discovering not only a new continent, but half a dozen new continents, to bring all of the land of America into real use by the people.

Now, as to the effect of that on labor, I think it is quite obvious.

Chairman WALSH. I will say for your information that there is an abundance of time, Doctor, because we do not adjourn until 12:30.

Mr. Howe. Well, to complete my statement relative to the landlord, why, as an element in the distribution of wealth and industrial lives, his share in the produce would gradually tend to diminish under the land tax, until ultimately it would disappear altogether. Ultimately, the ground landlord would get nothing. The share he now takes—which has been estimated at two thousand million dollars to three thousand million dollars in the United States, would go to society itself; would go to our cities and States and Nation; and he would disappear, and the only elements, the only claimants in the wealth produced would be capital on the one hand and labor on the other. And then we would have a relatively simple, easily soluble problem of the employer and the employee struggling for all the wealth that was produced.

Now, what would happen as between those two contestants? The share either of them would get would depend altogether on the relative strength in the struggle, his relative power in the contest. If capital still retained its present power, if the employer still retains his present position of ascendancy in which he would also have a residuum of the products of labor, if he could always while and a hundred men would come to his establishment, if he was sure that outside of the packing houses, outside of the mines, outside of the mills, outside of the factories, there was always a lot of men clamoring to get in under that new system, then capital would still continue to be the dominant factor in industry.

If that position was reversed and labor became free—and, frankly, I hope for a society in which labor will be absolutely free, in which we will not look upon this cast-like division between employer and employee as a necessary distinction, in which men and women and children will have hope before their eyes all the time, in which a man can live through life without the necessity of accumulating great wealth, because of the fear for his children, in which every human being will know that there will be an amplitude of jobs, of employments, of wealth, not only for him in his old age but for his children and for his children's children. And that seems to be the ideal state of society, not only for the workers but for the employers; not only for employers but for capital and for every class; and they would be willing, if they only saw that, even to give up the privileges they now enjoy because of the greater happiness that would come to the privileged classes.

And that vision was just as clear to Henry George, and to Tom Johnson, and to Sam Jones, and to thousands and thousands of men who see that kind of society. I heard Tom Johnson, who had accumulated \$3,000,000, say that

he would willingly give away all of his wealth, as, in fact, he did and sacrificed it in his fight in Cleveland—willingly give it all away if he only felt his children would enter the world with a free field and no favors.

And after we had gotten rid of this one element in distribution and production—land—we would have a struggle between capital and labor. Which would be the strongest? I think labor would inevitably. Inevitably it would be the ascendant factor in the situation, because there will always and forever, so long as the tax continued and increased, as the social wealth was increased, and as births increased and population increased, there would always and forever be more jobs than men, and we would find that we could take care of a thousand million people in America with ease under a condition which opened all our resources all the time to the man who is best fitted to use them. And certainly for a century to come, under such a system that forced the men to use the land and employ men upon it, there would be this alternative to the working classes which would enable them to assert their independence, to be free, to take or to leave any job that was offered to them.

We have some examples of that situation; nothing like an approach to the condition which would result from this tax reform, but we have some suggestions of it. We know that in the thirteenth century, when the black plague had reduced the working population in Great Britain one-third, Parliament enacted a law which made it a penal offence for a man to demand more than a few cents a day for his labor, and imposed penalties among which were cutting off their hands, and imprisoning, and others, but they could not keep down wages, and wages shot up, and shot up, and shot up in that society.

Another example at the present day is Denmark, which has constantly, for the last 50 years, been trying to open up the land for use for the people; and the State provides so that a man can borrow \$9 out of every \$10 to buy a little farm, and every workingman in Copenhagen and other cities knows that he can either go out to a farm and get employment or he can get a farm of his own at any time he wants to. And men tell me, and the same is confirmed by my own observation, that there is practically no poverty in Copenhagen, a city of something like a half million inhabitants; practically no misery; certainly not as we understand it. There is none of that ignorance, depraved misery in the countryside. I have never been in any country in which the rich and the poor appeared to enjoy life so much. Where business men knock off as many hours a day to go to a restaurant or to their homes to play, because they felt that there was not any fear of poverty in that country.

And the workmen on the streets have the same appearance of self-respect in their faces, the same sense of freedom, because of the official action which has been going on for a generation by the State to abolish poverty on the one hand and ignorance on the other.

Raymond Robbins, who went to Alaska some years ago, described in miniature a single-tax condition, although he was not conscious of it. He said that before a decree of court turned over the gold mines to private ownership men in the town where he was were earning \$15 a day, because they had access to the mines and went down and dug \$15 worth of wealth out of the soil. And on a certain day the decree of the Federal court transferred the ownership of all that land to a private corporation, and the next week wages went down to \$5 a day. Instead of being free men they became employees. Not only were wages prior to that decree \$15 a day in the mines, but wages all over that section for clerks, for waiters, for cooks, for employees of every kind, were \$15 a day. These men could always go out and earn about that much by their own individual exertion. And after the mineral resources were made private property wages in the mines went down to \$4 or \$5 a day and, also, they went down all over the rest of that territory, because free access to nature was closed.

I think that is as good a test of what would follow under single tax as could be found.

I want to distinguish this philosophy, which is a social philosophy like socialism from socialism, and also from the kind of society which prevails at the present time.

Socialism, as I understand it, is a philosophy which distrusts competition, which is hostile to competition, which feels that competition is one of the curses of the present day. I believe in competition, I believe in liberty, I believe in freedom; and while I admit that there are wastes in competition I think the gains so far outweigh the wastes that we can gladly pay for the wastes. And there is a philosophy of single tax, industrial liberty, rather than industrial paternalism of any kind—a liberty born of free land and free resources on the one

hand and freedom to trade on the other; a liberty which involves taking all the taxes now borne by labor off of labor. For up to the recent tariff bill enacted, including the income tax, the United States collected six hundred million dollars from internal-revenue system and the customs; and almost every dollar of that six hundred millions was paid by labor. It was paid, for the most part, by the poor. It was a tax upon the breakfast table. Sugar was a large contributor and wool. Indirect taxes are always a burden on the poor and a burden on labor, and since the Civil War we have collected, all told, probably three thousand million dollars, for the most part collected from the poor, \$3,000,000,000 of revenue. That is the cause of poverty, for it comes out of the poor; and we would shift that burden onto the land values just as we shift the other taxes on labor. I don't know, Mr. Chairman, that I have any further statement to make.

Chairman WALSH. Just one thought, now, that grows out of the adoption of a simple law, as you say, about an inch long, that would take all taxes off personal property. Do you believe that a public sentiment could be obtained to back such a philosophy in our time—to back the philosophy which would support such a law in our time, considering the present institutions of property in law, as well as property in personality?

Mr. HOWE. Well, I remember when a man who believed in woman's suffrage was a unique man, and a man who advocated municipal ownership was likely to be stoned, and a man who talked of the initiative, referendum, and recall—when it was talked about as a new drink. Yet in 5 or 10 years that has all passed, and these problems are now receiving our earnest and general and respectful attention, and I sincerely believe that it will only be a few years until people will be talking about the taxation of land values, much as they are now talking about woman's suffrage and about these other measures.

Chairman WALSH. You think it is coming?—

Mr. HOWE. Yes; I think it is coming.

Chairman WALSH. I hear much said upon the witness stand here as to what might be called the collision between property and personal rights, between property and human rights. Doesn't that meet that acute phenomena? Isn't that the acute phenomena right there that this would have to deal with—present property rights—would have to deal with property individuals already have as distinct from a philosophy that would extend democracy, for instance, in those departments you have mentioned, like the initiative, referendum, and recall, and the extension of suffrage to women, etc.?

Mr. HOWE. Yes; but it is simply a means of approaching that question.

Chairman WALSH. Observing, as you doubtless have, the outbreaks in the different States in the Union as typified in western Virginia, Michigan, and Colorado, what would your observation be, if you made any, as to the more acute industrial unrest where the laborers have to primarily deal with natural resources, like taking the mines and coals and metals from the earth and lumber from the forests, etc.? Have you noticed that that seems to have an effect that makes the unrest more marked and the outbreak more savage, as it were?

Mr. HOWE. I think there is no doubt but what our worst industrial wars are mining wars. I have no doubt, either, that that is due to the fact that the men who own the resources have a more complete dominion over the men that they employ than the men who are merely engaged in industry.

Chairman WALSH. Have you some questions, Mr. Garretson?

Commissioner GARRETSON. Yes; I would like to ask him one or two.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Doctor, how long and how completely have single-tax theories been effective in portions of Australasia; that is, either Australia or New Zealand?

Mr. HOWE. They have not been operative there at all at any time; I mean as single taxers understand them. What has happened, they have taken the tax off of houses and improvements and placed it on land. Now, single taxers say that that is not single tax; that is merely an approach to it. That has been in operation, I should say, for 12 or 15 years.

Commissioner GARRETSON. Has it gone any further than that in any of the western Provinces of Canada?

Mr. HOWE. Vancouver, I think it was, about 10 years ago conceived the idea—I don't know why or how—of reducing the assessed value of houses and improvements by 25 per cent, so that the land was assumed to be assessed at full value and improvements at 75 per cent. Then people observed that reduction in the assessed value of the improvements and said: "This looks pretty good; let's cut the assessment of the improvements down to 50 per cent of the value."

And each time they reduced the assessment of the improvements—I have been there, but I am quoting the reports of the tax commissioner of Minnesota and other bureaux—immediately there was a stimulus to business. More houses were built, capital coming even from America, and then they liked that, and they reduced it again 25 per cent; and that resulted in a great stimulus to building. Then they took the taxes off of improvements and buildings altogether, and each change was followed by a very great stimulus in building. It is said that wages increased, that the hours of labor were shortened, that home ownership was promoted because land speculation was broken up and men could buy land very much more easily than they could theretofore. And, so far as I know, there is no suggestion on the part of any of those cities of any desire to change. For Vancouver's action was followed by Alberta and Victoria and Westchester and almost all the western Canadian cities, and more recently whole Provinces have adopted it. And those results followed in those towns where they have reduced the taxes on improvements or increased the taxes on land.

Commissioner GARRETSON. What class of labor in that territory has either been increased in wages or reduced in hours on account of this phase?

Mr. HOWE. I qualified that statement by saying that that is what I have heard. I have heard through a man up there that they increased the wages and reduced the hours of work.

Commissioner GARRETSON. It is Alberta that has put it in as a Province?

Mr. HOWE. Yes, sir.

Commissioner GARRETSON. Is there a greater paradise on earth for the land speculator than in Alberta?

Mr. HOWE. I expect that is true; and the single taxer would say that what has happened is just exactly what was expected to happen; that there would be a similar self-building and speculation; there will be so much prosperity in those towns that they will stock and create a kind of a labor vacuum, and they will draw people from the western towns—western American towns—and so many people will come in there that the additions to the population and the additions to business will continue to increase land values faster than the small imposition of a tax would reduce speculation. I think that is obvious, that if you can get more people to come than we had before, that you will have a continual increase in land values.

Commissioner GARRETSON. In other words, your saving clause is, then, that if it was universal there would be no place to draw from?

Mr. HOWE. That is part of it.

Commissioner GARRETSON. That is, then you would have no vacuum?

Mr. HOWE. Yes, sir. Two per cent of land values of a town like New York, or possibly 2½ per cent, would not affect the land speculator much, because it would affect all industry and all labor so much that prosperity would contribute more and more money to the landlord. The tax would have to be very much heavier than that to kill the land speculator.

Commissioner GARRETSON. Does history show an instance where, after the tendency to urban congestion, which is exhibited to-day in this country as well as in other countries, had commenced, that any means, legislative or otherwise, was ever devised that checked it?

Mr. HOWE. You are asking my historic opinion?

Commissioner GARRETSON. Your opinion as an economist?

Mr. HOWE. I don't know of any case except the Dark Ages after the fall of Rome.

Commissioner GARRETSON. Barbarism has always again disseminated the people?

Mr. HOWE. Yes, sir.

Commissioner GARRETSON. How long a time did Rome—the western Empire—give to the question of driving the populace back to the land?

Mr. HOWE. Well, it gave about three centuries.

Commissioner GARRETSON. Of continuous edict or legislation in one form or another?

Mr. HOWE. Yes, sir. But it never succeeded. They assassinated every man who tried to enact it very long.

Commissioner GARRETSON. Isn't the same true, in greater or less degree according to the completeness of our records, of each case?

Mr. HOWE. Yes, sir; I think so.

Commissioner GARRETSON. It always preceded the downward decline of a nation?

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Mr. HOWE. Well, I should say that land monopoly was the cause of the fall of Rome, the decay of Greece, and that it was privy to the cause of the decay—the cause of the French Revolution.

Commissioner GARRETSON. But one of two or three effects, whatever the cause was, always was urban concentration?

Mr. HOWE. Land monopoly.

Commissioner GARRETSON. That was always one of the effects preceding decline, wasn't it?

Mr. HOWE. I think so; up to recent times.

Commissioner GARRETSON. We have not had any fall of nations in comparatively recent times?

Mr. HOWE. No, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. HOWE. I would like to say a word about that.

I believe in the city. I think the city has always been the center of civilization. I think it always will be. Civilization would begin to relatively decay if we went back to an agrarian life. I am not interested in the single tax as a philosophy of farming. Far from it. I am not interested in an agrarian policy of petty land owners, not at all. This is a philosophy of industry. I think there are a lot of people who would like to go to the land and work it if the land were free. A great many of them would go to the land if they could make more money on the land than they could in the shop. But I believe in the city, and I do not want people to live in the country, because I think the country has always been a backward rather than a progressive form of life, and always will be, because society exists by cooperation, by the division of labor; it differentiates; and the city is what I should encourage rather than the country.

Commissioner GARRETSON. Can the city live without the country?

Mr. HOWE. No; of course it can't. But I think agriculture is a most backward industry, and I think it is absurd for a farmer to raise chickens and pigs and horses and cows and potatoes and corn and all on one farm. I can not think of any greater waste.

Commissioner GARRETSON. I don't understand.

Mr. HOWE. It is the greatest sort of waste for an individual farmer to produce 20 different things on his farm and spend the whole 12 months of the year at it. The farm is what it was 50 years ago, and industry is ahead of what it was five years ago. That is in the East.

Commissioner GARRETSON. It would be a question purely of the value of the bucolic life, and possibly that would not enter into this.

Mr. HOWE. I think this is aside—

Commissioner GARRETSON (interrupting). And unless the chickens and cattle and grain are raised, what becomes of the city?

Mr. HOWE. Well, I suppose that is part of this same discussion.

Commissioner GARRETSON. Unless we come to the tabloid life, at any rate?

Mr. HOWE. I think the taxation of land values, which, of course, involves destroying land values, so that the only value land has is its annual rent, that the necessary result of that would be the intelligent and economic use of land. Under those conditions, if land were suited for raising butter and eggs, for a great city, instead of each family raising a dozen eggs a day, we would have a dairy farm; we would have a chicken farm; we would increase the efficiency of an individual worker three or four fold, just as in going down to Philadelphia you pass a great dairy farm down there. What is the name of it?

Commissioner HARRIMAN. Walker Gordon.

Mr. HOWE. Walker Gordon? There is a type of up-to-date agricultural industry where that is enjoyed, and under that title. And that suggests to me an up-to-date twentieth century farm, while this petty farming of the old type, I think, will have to go, and ought to go.

Commissioner GARRETSON. Have you ever lived on the farm?

Mr. HOWE. No; but I have worked on a farm.

Commissioner GARRETSON. How about the byproducts?

Mr. HOWE. You mean the manure and fertilizer?

Commissioner GARRETSON. Every quality of it, the utilization of it for the product of just what you have derided—the dozen eggs.

Mr. HOWE. I should say that that was best conserved by this kind of intelligent farming.

Commissioner GARRETSON. And what disposition is made of the byproducts that would produce the dozen eggs and dozen chickens?

Mr. HOWE. That would be left on the farm itself.

Commissioner HARRIMAN. I want to ask you one question, which may sound very unintelligent, but I would like to know. If it were possible to insert that clause in a State law, "all taxes upon houses and improvements of all kinds and personal property should be abolished," how long after that would a change for the better in industrial conditions be noticed, do you suppose?

Mr. HOWE. Almost immediately. In Ohio, it is always stated in Ohio as a fact that every time—they used to assess property every 10 years in Ohio, but now they assess it every four years, and it is a common statement in Ohio that there is a great building boom in Ohio with every revaluation for the purposes of taxation. In other words, after values are put upon the tax books duplicate the taxes are increased, and immediately men get busy to use their land which they previously speculated in. So I think it would be immediate. Just as a great rebuilding of New York followed a change in the assessment in 1903.

In that year we put land on the tax duplicate at a hundred cents of its value. We put it clear up in the new assessments. And New York has been rebuilt since 1903 because it was more costly to keep land idle and speculate in it than it was before, and that is just a suggestion of what would follow.

Commissioner LENNON. The opponents of the philosophy of the single tax make a great deal of the claim that its application would destroy the individual home owning, especially in the cities and larger towns because of the rental value making it more costly to own homes. What do you think about that?

Mr. HOWE. I think the reverse would be true. As a matter of fact we have hardly any home owners now. There are only four people out of a hundred in Manhattan who live in their own homes. In other manufacturing cities about 20 per cent of the people are home owners. Under the single tax, a man would not have to buy his land; he would only have to build his house, and he can go to the community and say "I want this piece of land," and all he would have to pay would be \$20 or \$30 or \$50 a year as ground rent.

Commissioner LENNON. How would he be protected in the continuity of the holding of that?

Mr. HOWE. Just as he is at the present time.

Commissioner GARRISON. By paying his tax?

Mr. HOWE. In the taxes on that land. For instance, if a man wanted to live in a house on the corner here where land values are \$10,000 a front foot or \$20,000 a front foot. I think single tax in that particular situation, just at the present time, would push him off, and something else would grow up. There would not be any difference so far as that is concerned.

Commissioner LENNON. It would not be taken away from him, though, if he continued to pay the rental value of the land?

Mr. HOWE. No.

Commissioner LENNON. That argument is used very strongly.

Commissioner O'CONNELL. What becomes of the improvements, the amount he has put on the land?

Mr. HOWE. Well, now, let me see. If a piece of land becomes so valuable under the present system that a man has to move off it, he, of course, moves off; and I think that under a properly organized system in which society took all of the ground rents society would say when the values increase and the economic use of a site change, society would say to the tenant, now, you have been a good citizen, you have improved your site, but economic uses have changed for which you are not responsible. Now, whoever takes your corner must pay you for your improvement. If you are crowded out somebody else must pay for your improvements.

Commissioner O'CONNELL. But in the case of the small man with his home, he has a small home. Circumstances of being out of employment or a thousand and one things, may make it so that he can not pay the rent. Now, what becomes of him?

Mr. HOWE. Well, if he can not pay the rent at all, do you mean?

Commissioner O'CONNELL. Yes.

Mr. HOWE. Why he would forfeit his home just as he does at the present time.

Commissioner O'CONNELL. No protection at all on that system?

Mr. HOWE. I think that society would probably under those circumstances, when they say, "We are the sole ground land owners" if the man were unable to pay his rent, society would say to the tenant who came in, here, you must buy that improvement or must pay rent for that improvement.

Commissioner O'CONNELL. Well, his protection is in a sympathetic society.

Mr. HOWE. His protection is in the law, just as it is at the present time; yes; only all men at that time would be in the same boat. And it is probable all men would pass a law for the protection of all of them.

Commissioner O'CONNELL. You think human nature would be better under those conditions and more sympathetic?

Mr. HOWE. I think when men all have the same economic interest there isn't any difficulty in getting a law to protect all men under those circumstances.

Commissioner O'CONNELL. It would be a case not of being the thief and stealing the goose from the common, but being the thief and stealing the common from the goose?

Mr. HOWE. I don't know as—

Commissioner O'CONNELL (interrupting). As the single-tax theory to-day, we consider the man who steals from the land, steals the goose off the land, as being the thief.

Mr. HOWE. You mean the man who takes the ground rent is the thief?

Commissioner O'CONNELL. Yes; but in your theory it is the thief who steals the land from the goose?

Mr. HOWE. Not at all; no, sir. You come to New York to live, and immediately you come here you create a thousand dollars of value, which under the present system is contributed to some one else. Under the single tax, when you come to New York, instead of paying an annual ground rent—or instead of contributing value to somebody else, you would contribute it to yourself. It is the present system that is confiscation. I am charged \$50 or I am charged \$250 for my family just for coming to New York. The value which I create is taken by somebody else. Under the single tax it would be taken by society and used for my benefit. The present system is confiscatory. The new system is justice.

Commissioner O'CONNELL. Speaking of the possibilities of improved conditions of the workingman, the laborer, the one idea being brought out is that his wages would be increased, and from his increased wage he would be able to live under better conditions, better homes, and better surroundings.

Mr. HOWE. Yes.

Commissioner O'CONNELL. Under the theory of single tax, the ports are thrown open to the workers altogether all over the world, free port, free entry, and everything free?

Mr. HOWE. Free trade; yes.

Commissioner O'CONNELL. Free trade absolutely?

Mr. HOWE. Yes.

Commissioner O'CONNELL. With increased wages, with doubled wages, or tripled wages under the single tax?

Mr. HOWE. Yes.

Commissioner O'CONNELL. That is held out to the men all over the world to come to America, because we have doubled and tripled wages, and the ports are open to you, and anyone can come in. What effect is that going to have on the nine men who you say are looking for the eight jobs?

Mr. HOWE. You mean from immigration? There is going to be the effect of more immigration?

Commissioner O'CONNELL. Yes.

Mr. HOWE. I have no doubt that increased prosperity means an increased birth rate and probably an increased immigration. Of course, the immigration question is entirely aside from this question, and always will be dealt with. If you work frankly and courageously go the limit and completely tax land values until land had no value except for use, why, I would not fear immigration at all. Immigration to my mind is only to be feared under the present restrictive system, in which all opportunities for work are owned, and the increasing immigration merely increases the competition of labor for jobs which do not exist. But I think under—

Commissioner O'CONNELL (interrupting). The theory does not make any different arrangement as to ownership of the tools of production the workman must work with.

Mr. HOWE. No; it does not attempt to have society own the tools.

Commissioner O'CONNELL. So then they must be owned privately?

Mr. HOWE. Yes.

Commissioner O'CONNELL. And privately, the man who owns them privately can say as to the wage and hours that he will work, if he is in a position to do so?

Mr. HOWE. Yes.

Commissioner O'CONNELL. And labor gets the free markets of labor of the world, and labor comes in because of this improved condition—

Mr. HOWE. Yes.

Commissioner O'CONNELL. There is no means, under your theory, to check that at all?

Mr. HOWE. Well, of course, America will always have that independent of this. The immigration question is just as—I think it just as much aside from the question of single tax as is eugenics. If America wants to close its doors it can do so, but I don't think it would be necessary to do so if we opened all the resources of America and invited the world to come in, because I think every individual produces more wealth than he consumes; otherwise we never would have any progress.

And if each individual is working at the thing he is most fitted to work at, he will consume, say, \$700 and will produce \$1,500 worth of wealth. The trouble is at the present time a large number of men are working at a thing that they are not fitted to work at.

Chairman WALSH. Professor, I believe you stated that the single tax ultimate proposal is that the workers shall have the full product of the toil of his own hands?

Mr. HOWE. Yes.

Chairman WALSH. I noted that exact statement was made here as a basis of the socialistic philosophy?

Mr. HOWE. Yes.

Chairman WALSH. They are at one in their ultimate objects, then, in certain essentials?

Mr. HOWE. They are at one in the ultimate objects, yes; they are both social philosophies.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock, to meet at 2 o'clock sharp in this room.

(Whereupon, at 12.50 a recess was taken until 2 p. m.)

AFTERNOON SESSION.

Present: The same as before, and Mr. William O. Thompson, counsel for the commission.

Chairman WALSH. The commission will please be in order. Call your witness, Mr. Thompson.

TESTIMONY OF MR. WILLIAM C. ROGERS.

Mr. THOMPSON. Will you please state your name, Mr. Rogers?

Mr. ROGERS. William C. Rogers.

Mr. THOMPSON. Your address?

Mr. ROGERS. Capitol at Albany.

Mr. THOMPSON. And your occupation?

Mr. ROGERS. Chief mediator of the department of labor of the State of New York?

Mr. THOMPSON. How long have you been chief mediator of the department of labor of this State?

Mr. ROGERS. Since 1910.

Mr. THOMPSON. Since 1910?

Mr. ROGERS. Yes, sir.

Mr. THOMPSON. How long has that department been in existence?

Mr. ROGERS. Well, the State board of arbitration was created in 1886, as a separate board, but in 1901, under the reorganization at that time of the department of labor, it became a bureau of the department of labor.

Mr. THOMPSON. Had you any connection with the department of labor or the board of arbitration prior to 1910?

Mr. ROGERS. None at all.

Mr. THOMPSON. What had been your experience in that regard prior to that time?

Mr. ROGERS. For eight years just previous to my service in the labor department I had been connected with the State board of charities in two capacities. The last four years was as superintendent of State and alien poor, and previous to that as inspector of charitable institutions throughout the State.

Mr. THOMPSON. Do you know why the bureau of mediation and conciliation was established?

Mr. ROGERS. At the time it was established there was a growing belief that the creation of such a bureau in the State of New York would be of service in minimizing and preventing the losses incident to strikes.

Mr. THOMPSON. What was the development of the work of the bureau?

Mr. ROGERS. The growth of the work was rather slow at first, I think, so far as I have been able to ascertain. A number of causes conspired to produce that effect. I think perhaps the chief one was perhaps the same one which interfered for so many years with the success of the Government mediation work under the Erdman Act, lack of understanding and appreciation of the purposes and possibilities of the work.

Mr. THOMPSON. To what extent has the bureau used its compulsory power of investigation, as in the case of the strike of the International Paper Co. in 1910?

Mr. ROGERS. Well, there has been a considerable increase since 1910 in the frequency with which the board has used its compulsory powers of investigation. During my first year as chairman of the board, I think, we made but one investigation, and in one or two cases used the power to investigate as a lever of approach in settling strikes, without, however, having to come to the formal investigation. But since that first year there have been two or three actual investigations each year. Last year there were three, I believe.

Mr. THOMPSON. Describe the present powers and duties of the bureau in brief.

Mr. ROGERS. Well, as a bureau of mediation and arbitration we are authorized and directed by law to approach the scene of every strike or lockout which threatens or actually occurs and do our best by mediation to secure a speedy adjustment of the trouble. Then in case the matter can not be adjusted in that manner, and the commissioner of labor deems it advisable, the board has authority to hold a formal public investigation, such as I have mentioned.

Mr. THOMPSON. What is the present policy of the bureau in regard to compulsory investigation, mediation, and arbitration?

Mr. ROGERS. That question is a little hard to answer just in those terms. Personally, I am strongly opposed to anything which savors of compulsory arbitration, as that term is generally understood. I think it would be very wise, indeed, if we could have more public investigation of serious labor disputes than we have had in the past. I think it really ought to become an expected thing that where a serious strike occurs, so that the interests of the public at large are affected, it ought to be the expected thing that the State would intervene and ascertain by formal public inquiry just what the trouble is about, so that the people at large, on whose support and sympathy the success or failure of every strike depends, may know from an authoritative source just what the trouble is about and just what prevents the parties from getting together.

Mr. THOMPSON. You mentioned compulsory arbitration. What is the present policy of the bureau in regard to compulsory investigation, mediation, and arbitration?

Mr. ROGERS. Well, as to compulsory arbitration, we are entirely opposed to it. Neither party to the dispute, neither the labor interests nor the employer's interest would consent, I think, in this State, or, indeed, in this country, to anything that savored of compulsory arbitration. As far as the use of the word compulsory is concerned in relation to mediation and investigation, I think it ought to be used in a very guarded and limited sense. The compulsion ought to be on the State board, as it is now in this State, and not on either party to the dispute, that also as it is now in this State. In other words, our powers are unlimited as to what we shall investigate. If the commissioner of labor deems it advisable to have an investigation, we can go ahead and investigate, and we have the full power of the supreme court, as far as the development of information is concerned. Our findings, however, are only binding in so far as they might sway public sentiment. There is nothing compulsory about the findings of the board on either party to the dispute. And that, I think, is just as it should be.

Mr. THOMPSON. What has been the character and results of intervention of the bureau in industrial disputes?

Mr. ROGERS. Our work is chiefly in line of ordinary mediation. It is only occasionally that where a dispute is serious enough to require our presence that we fail by mediation and peaceful adjustment to bring about a settlement of the strikes sooner or later. We are not easily discouraged. We are not

dependent in any way upon the wishes of either party in regard to withdrawals from the scene. It is our duty, under the law, to stay on the ground and keep on in an effort to settle the strike, and sooner or later the auspicious moment comes, and the favorable terms are developed under the existing circumstances which are acceptable to both parties, and the settlement is very usually attained as the result of our efforts. But in the rare occasions where those means fail, I think the public investigation is an excellent further method to pursue.

Mr. THOMPSON. To what extent, in your work, has the intervention been at the request of both parties to the controversy, or either party?

Mr. ROGERS. Well, since I have been connected with the work, we have frequent requests, sometimes from both parties, more often from one or the other. I should say that there have been something like 10 or 12 such requests each year.

Mr. THOMPSON. In forming boards of arbitrators the law states that two so designated shall appoint a third. Has there been any difficulty in the practical working out of this provision?

Mr. ROGERS. Well, the only difficulty is that it is always hard for the two arbitrators who are, of course, representing the two parties to the dispute, they are naturally prejudiced in favor of each of his own side. It is, of course, hard for them to agree on the third man, but it is not a hardship which is insuperable in any way. I think it is a very proper method, and usually gives very good satisfaction. The third man sometimes disappoints one party or the other. That is inevitable and to be expected, but it is the best plan, I think, that so far as local arbitrators are concerned, could be devised.

Mr. THOMPSON. In case a controversy arises over the interpretation of the decision of the board of arbitration, is there any procedure by which the disputed questions may be referred to this board or settled by some other method?

Mr. ROGERS. Not in those terms. We are, however, authorized to act as arbitrators in any dispute and, therefore, that would include acting in that capacity in a dispute which arose over the interpretation of an agreement. That, within my recollection, however, has not occurred. Frequently, however, where we have found ourselves parties to a settlement, we have been appealed to later to rule on some disputed points that have arisen in a discussion of the terms of settlement.

Mr. THOMPSON. Under the present provision of the law is it possible to dispose of grievances and disputes promptly?

Mr. ROGERS. Usually it is. We have a force of five men in our bureau, mediators, and that number have ordinarily been just about right to handle the pending dispute. There have been one or two occasions when strikes have been more or less epidemic, that we have wished that we had more hours in a day and more men in the bureau. Last year, for example, there were several months we had a large number of disputes pending at one time, and more than one of us could not at any time go to any one dispute.

Mr. THOMPSON. What method does the bureau have of keeping in touch with threatened strikes and lockouts?

Mr. ROGERS. We rely chiefly on information which comes to us from our friends, both in the labor movement and in the associations of employers, who keep us informed of the conditions of the trade in their localities. We rely a good deal on the newspaper reports, which cover these things pretty thoroughly, and we have more or less information from our own force of factory and mercantile inspectors, who are scattered throughout the State and are under instructions to report any disturbance that they may hear of to the home office at Albany.

Mr. THOMPSON. Does the bureau of mediation and conciliation collect industrial statistics which may be used by arbitration boards in coming to a decision, or are such statistics available from other sources?

Mr. ROGERS. The bureau does collect strike statistics and statistics in regard to trade agreements to as large an extent as is practicable, and publishes those statistics in our regular departmental bulletins. The department of labor also has a well-organized bureau of statistics, which collects prevailing wage statistics and cost of living statistics and other items of information which are valuable, either for our own board or for any local board in matters of arbitration, and those statistics are frequently used in that way.

Mr. THOMPSON. Is the present personnel sufficient to handle the work of the bureau efficiently, and is the appropriation sufficient?

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Mr. ROGERS. I am personally very well satisfied with the efficiency of the men who are assisting me in this work. I think our appropriation is thoroughly ample at present. It has not been so in the past, but the present legislature has given us an increased appropriation, both as to salaries and for expense allowance, so that with the single exception that I think it would be wise to have a standing appropriation available—distinctly made available for public investigations—I think we are thoroughly well provided for.

Mr. THOMPSON. What are the present defects of the mediation and arbitration law, and how could it be improved?

Mr. ROGERS. Well, there is one slight defect, I think, in the fact that we have no method by which we can really rely on getting immediate or advance information on strikes. I think it would be wise to develop some method by which the quickest possible information might reach the bureau from all parts of the State, so that the efforts of the mediators need not be delayed until when a strike is seriously threatened or actually necessary. Sometimes now a rather serious strike might, conceivably, be in existence a day or two before the newspaper reports or other information would reach us. I think it is desirable that the executive officer of each city or county should be required to forward to the department of labor immediate information of any strike which takes place within his city or county. Then, of course, we would have full cooperation of the executive and officers and the mediation department in getting quickly upon the scene. Very often a strike can be settled when it first occurs much easier than it can a day or two later.

Mr. THOMPSON. Mr. Chairman, that is all.

Chairman WALSH. Did you have some questions, Mr. Bird, you would like to ask?

Mr. BIRD. One little question.

Chairman WALSH. Very good. Just put them yourself.

Mr. BIRD. In your labor controversies, Mr. Rogers, do you ever come in contact with the I. W. W.?

Mr. ROGERS. Yes; we have had dealings with the industrial workers on two or three occasions.

Mr. BIRD. Was such an occasion that of the Little Falls strike?

Mr. ROGERS. Yes.

Mr. BIRD. How did you handle that situation?

Mr. ROGERS. That was one of the most difficult and troublesome situations that the bureau has had to deal with since I have been in charge of it. The strike extended for several weeks, and there was a sort of dual control of it. One branch of the strikers at first were under the guidance of a regular trade union connected with the American Federation of Labor, but the most of the strikers had previously been unorganized, and when they did organize they organized under the guidance of the Industrial Workers of the World. We had no difficulty at all in securing a settlement pleasant to both the employer and the representative of the American Federation of Labor, so that their men, after a very short time, went back to work, but the Industrial Workers of the World were unwilling to accept those terms of settlement, although they were offered to them at the same time that they were to the American Federation of Labor employees.

I recall that the industrial workers kept their men out about two months longer, and the situation from the standpoint of the public became so acute finally that the commissioner of labor ordered the board to proceed there and hold a formal public inquiry.

Mr. BIRD. In other words, you used your powers of compulsory investigation?

Mr. ROGERS. Yes; and we did hold such a hearing. I think our testimony was taken in three days, and we allowed the employees to present their story and their complaint in full, and on the final day we had the testimony of the employers and were pleasantly surprised to find that they were willing to make, as developed by their testimony, a very substantial and pleasing offer to their former employees in regard to returning to work at a slightly increased compensation, and without raising the issue at all of their membership in this Industrial Workers of the World organization. We reduced that testimony to a proposition which the employers signed and authorized us to present to the body of strikers, and we called a mass meeting of the strikers for the following day and presented it to them, and it was unanimously accepted, and they returned to work.

Mr. BIRD. Do you consider that is a feasible method of procedure in dealing with such a controversy; that is, getting the union men together and putting the proposition up to them?

Mr. ROGERS. It is feasible where it can be done; it is not always practicable.

Mr. BIRD. That is on one occasion, though, where it worked?

Mr. ROGERS. Yes, sir. In other words, the Industrial Workers of the World, in that particular case, were interested, for ulterior purposes, in keeping that controversy alive just as long as they could.

Mr. BIRD. What were those ulterior purposes?

Mr. ROGERS. Why, that is impossible to say. I might have a guess about it, but it would simply be a guess. I don't think they wanted a settlement of that strike. They wanted to prolong it. That is their propaganda. They regard the strike as the natural, logical revolt of the workman against the present system of employment. A return to work is a return to slavery. You have heard that talk from the pulpits of the I. W. W. frequently. So that I think they did not desire a settlement until the strike had gone so far that they realized they could not prolong it any longer, then they were willing to consent that the men should accept the terms we secured for them.

Mr. BIRD. Those powers of compulsory investigation that you have, have they been of use to you as acting as a sort of weapon which you could commonly use, but you did not commonly use? You say you have five men handling these controversies. Does the fact that the parties to the controversies in which you enter know you have that power to use; does that help you any?

Mr. ROGERS. Very materially. It has been the direct cause of an immediate settlement in a number of instances. For instance, last year in the Buffalo street-car strike, a very serious strike which tied up the transportation of the entire city of Buffalo, grave disorder existed in the city, and the situation appeared very serious until the board of mediation and arbitration was ordered by the commissioner of labor to proceed to Buffalo and hold a formal inquiry. We arrived in Buffalo in the evening of that day and issued our subpoenas for beginning the investigation the next morning. And overnight, by working all night, we were able, through cooperation with the mayor of Buffalo, to secure an immediate settlement of that strike, simply because we were on the ground to hold a public investigation.

Mr. BIRD. Now, a question in regard to that organization. You think that your present organization is a good one, where you have a bureau of mediation in the department of labor, or do you think that mediation activity should be separated—that it should stand up with itself?

Mr. ROGERS. I regard our present system as the ideal system.

Mr. BIRD. Now, why?

Mr. ROGERS. Well, chiefly because it is a labor problem, and locally belongs in the department of labor. Then, too, the work is so related to the information which a labor department is able to develop on a number of other points that the connection with the department of labor is vital and very convenient.

Mr. BIRD (not distinctly audible). Suppose there was need of mediators, would it be possible to utilize any other members of the labor staff?

Mr. ROGERS. We could pick out some very good men from other bureaus who would be very serviceable as mediators.

Mr. BIRD. What would be, in your opinion, the qualifications of a good mediator?

Mr. ROGERS. Well, he must be an honest man of experience in the relations between labor and capital; he must be a man of tact and quick judgment. He must be a man who will inspire and retain the confidence of both parties to disputes—a man who is not easily discouraged.

Mr. BIRD. Is there any particular previous training which you think he should have, or is it a matter of personality?

Mr. ROGERS. Well, it is largely a matter of personality. Of course, there is—the necessary experience may be gained in several ways. I regard it as a very valuable training for a man to have had executive experience in labor organizations. Several of our mediators have been international officers of different labor organizations. I do not think all of them should necessarily be actively connected with the labor movement, but it is certainly an excellent thing that many of them have had that experience.

Mr. BIRD. Well, then, you would say that a combination of these men would be best?

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Mr. ROGERS. Probably.

Mr. BIRD. Now, you spoke of one of the defects of the present bureau of mediation not having any way in which to get quick information. Now, how would you go to work to get that quick information?

Mr. ROGERS. It has been tried in several States, I believe, to have it compulsory on the mayor of the city or the sheriff of the county to furnish immediate information by telegram to the commissioner of labor or the board of arbitration of any strike in the city or county affected.

I do not believe it has worked very well. It might work if it were obeyed and observed. It would certainly be a great help to us to have that information quickly.

Mr. BIRD. Now, in your reports for the last few years I notice that where your intervention has been without success among the reasons given are that the employers did not want to recognize the union; and I notice this cause has been decreased from year to year. What has been the reason for this decrease?

Mr. ROGERS. Well, I think the main reason for the decrease is the better understanding which is had now of the purposes of organized labor, and the fact that organized labor is pretty well recognized as having come to stay.

Mr. BIRD. Do you think the force of public opinion has anything to do with that?

Mr. ROGERS. Very materially; yes. In fact, nowadays, the public generally sympathizes, I think, with the desire of men to organize. They say the employers organize without hindrance, and if the men wish to do so why shouldn't they?

Mr. BIRD. In your latest report you make a suggestion as to enlarging the powers of the bureau. Will you kindly give us your suggestions as to the reasons for that recommendation?

Mr. ROGERS. Yes; but before I do that I would like to make one statement in regard to the question you just asked about the decrease in the number of disputes relative to the recognition of the union. I think a second and almost equally great reason is the fact that that issue is not so forcefully presented now—not so much insisted upon by the union representatives themselves; that is, there is a clearer idea of just what is meant by recognition of the union. The term is more of a misunderstood thing than the thing itself. I think, generally speaking, what is desired by the employees who strike when they present a demand for recognition of the union—the most that they really mean to insist on is permission to organize and exist as an organization and permission to present, through their own committee, their grievances to their employer. The phrase “recognition of the union” has created a good deal of unnecessary disturbance, I think. Now, your other question in regard to increasing the activity of the bureau in disputes involving public utilities—that is a much harder subject to handle. It is pretty well recognized, I think, that the third party to the strike—the public—is more deeply interested in a dispute which involves a public utility than they are in the ordinary trade disputes affecting a private manufacturer. The public is the chief party in some of the disputes involving public utilities. That is worked out in the Government bureau under the Erdman Act and the Newlands Act so that there is practically recognition of that responsibility. So that although it is not compulsory on either party to call in the Government mediators, yet normally it is compulsory on them to do it because the Government bureau has successfully mediated in practically every dispute that has arisen in the last few years since the Government bureau has become active. So that now it almost goes without saying that if any dispute arises on any railroad, one side or the other, or both, will call in the Government mediators and both parties know that the public would seriously blame either party regardless of the merits of the dispute, which permitted an actual strike to occur on a railroad involving interstate commerce without calling in the Government mediators. That same thing will be true with the State boards as rapidly as they develop and gain a reputation for honesty and capacity for making fair settlements. In this State we do not have any street car strikes, for instance, without the organized street car men calling on the bureau first. It is a sort of understood thing with them that they will give us the information before they attempt to call a strike. And, as a matter of fact, in the last four or five street car strikes that have occurred they have given us the information before the strike occurred. And that ought to be true of certain public utilities, not, I think, as a matter of legal obligation, but of moral obligation.

Mr. BIRD. Just what is the nature of the recommendation in regard to that?

Mr. ROGERS. I would like to see the law changed so that both parties to a public-service dispute would know, if it were a serious dispute, seriously affecting the public, I would like to have both parties know that a public investigation was coming within five days if the disputes were not adjusted. I would like to have that as sure to follow as the morning is sure to follow the night.

I would like to have it also expressed by the legislature, as the desire of the people, that either or both parties should call in the State board of mediation for adjustment of a threatened strike before permitting the actual strike to occur.

Mr. BIRD. Would that in that connection be following the Canadian experience?

Mr. ROGERS. Well, the Canadian act makes it illegal for the strike to be called before calling on the services of the investigators. I would not want the State legislature to go as far as that here. I should simply want them to express their wish, that the men or the company should call on the State for adjustment before subjecting the people of the State to the inconvenience of the loss of transportation or public service.

Mr. BIRD. As the result of your experience, would you say that the tendency for interstate disputes in New York, in which New York is concerned, was to increase or decrease? In other words, are interstate disputes increasing with which you come in contact?

Mr. ROGERS. They are not frequent enough so that I could say whether they are increasing or decreasing.

Mr. BIRD. Have they caused you any difficulties?

Mr. ROGERS. Yes, sir; there have been some rather serious complications.

Mr. BIRD. Can you tell us, briefly, of one instance?

Mr. ROGERS. Well, three years ago we had a very serious strike on the New York Central lines, involving the boiler makers of the entire system. That strike began at the Collinwood shop, near Cleveland, and extended rapidly overnight to all the other shops between Boston and Chicago, including New York. And that chiefly affected New York State, because three-fourths of all the men were employed in the big shops in New York State, but equally, as far as the interests of the public were concerned, it affected the people of Illinois, Ohio, Indiana, Michigan, Massachusetts, and parts of Pennsylvania and Ohio.

Mr. BIRD. How did you handle that?

Mr. ROGERS. On account of the fact that the central offices of the railroad were here in New York City it was convenient for our bureau to act as the chief intermediary in that dispute, although a representative of the Ohio board was here for a part of the time.

Mr. BIRD. Would you think it would be advisable for the Newlands Act to be extended to all railroad employees?

Mr. ROGERS. I do, very decidedly. Not only to railroad employees, but to steamship and Great Lakes employees, any employees engaged in interstate transportation, regardless of whether it is on railroads or on waterways, including express companies, telegraph and telephone companies, doing interstate business.

There is a very large field of usefulness for a Government board of mediation and arbitration similar to the Newlands Board, by having very much enlarged powers.

Mr. BIRD. Would you enlarge the personnel of that board to counteract the larger activities?

Mr. ROGERS. Yes, sir; that would require a number of men for routine work. There ought to be an available appropriation for temporary appointment in grave emergencies of additional men, besides.

Mr. BIRD. Do you think it would be advisable for such a body to have an advisory board, made up of so many employers and so many employees to assist it from time to time?

Mr. ROGERS. Yes; I think such an advisory board could be very good, of very good service, indeed.

Mr. BIRD. Do you think that such a body should be supported as the present board of mediation and arbitration is, or should it be connected with any Government department?

Mr. ROGERS. My own idea, as I said before, I think our New York State plan is the ideal plan, from my point of view. I think they might very readily follow that in the creation of a Government board, making them subordinate to the Government Department of Labor.

Mr. BIRD. That is all.

Chairman WALSH. Are there any questions?

Commissioner GARRETSON. I would like to ask a question. Mr. Rogers, your description of a mediator is one who could inspire confidence in himself from both the interests with whom he has to deal?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. If you will take, not the average employer, but the employer of the type who is bitterly opposed to the recognition of union agencies dealing with his employees, what would be the result, in your opinion, of a man acting as mediator who himself had been an officer of a labor union and who would naturally be a man holding the opinions for which the employer was fighting, presupposed to be saturated with union-labor opinions, in approaching an employer of that kind as a mediator?

Mr. ROGERS. I think, generally speaking, our mediators who are former labor leaders have had so much experience as labor leaders that if they have any prejudices along the lines of the labor movement they are able to conceal or subordinate such prejudices at an appropriate time. That does not interfere very often with a man's success. The labor leader has gained a capacity by his very leadership of dealing with the representatives of the employers.

Commissioner GARRETSON. If that is true, I believe that mediation on interstate railways has gone as far as it has in any other channel on the continent?

Mr. ROGERS. Very successful; yes, sir.

Commissioner GARRETSON. I mean it has had as wide an experience, too?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. I suppose you would assume that the men who have been the subjects of mediation from that source could be held to hold rather intelligent views on that point, drawn from experience?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Moreover, the representatives of the employees in that case would conform as fully as any men in the business could to the description that you have given to the man of experience, because the executives of those organizations have all been at it for a good while?

Mr. ROGERS. The only other experience which would at all compare with it would be that of the representative of the employer on some local arbitration board who had several years of experience in dealing with labor committees.

Commissioner GARRETSON. Then, how do you explain the undivided attitude of the representatives of 100 railways, a large number of whom had gone through mediation at various times, and the executives of organizations that had been mediated, that the Government should not appoint a mediator who belonged to either class, and that the law should be drawn to make the department of mediation and conciliation and arbitration absolutely independent of either commerce or labor? That was the consensus of opinion without dissent?

Mr. ROGERS. At the same time I am surprised at it, and I dissent from it.

Commissioner GARRETSON. How is that?

Mr. ROGERS. I dissent from that view.

Commissioner GARRETSON. How do you explain that attitude? Those men were drawn on experience, wide experience, at that; and they were so strongly wedded to it, were they not, that they carried it clear to the President against the opposition of the members of the Government?

Mr. ROGERS. I still believe that the practical experience in nine cases out of ten is the best sort of training for a mediator.

Commissioner GARRETSON. I do not think anybody would question that, but the thing is to find the ground of mutual confidence through which influence can be exercised, is it not?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. And take this comparison: Take a man in the railroad service who has been the head of an organization for 25 years, 20 years, 15, have you ever—I suppose that in many of its phases you have come against railway officials in regard to mediation?

Mr. ROGERS. Yes, sir; a good many of them.

Commissioner GARRETSON. Have met men who in many of their phases were familiar with the Interstate phase of it?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Have you ever seen one who accepted one of those men as mediators?

Mr. ROGERS. I think I have.

Commissioner GARRETSON. Could you name the road, or would you care to?

(No response.)

Commissioner GARRETSON. I do not want to ask anything unfair, Mr. Rogers. Mr. ROGERS. I would rather not name one. I did not have any particular road man in mind.

Commissioner GARRETSON. No.

Mr. ROGERS. I simply mean as answering your question in the spirit in which it is asked; I think I have met several railroad presidents and general managers who have expressed to me a great deal of confidence in certain individual labor leaders with whom they have come in contact.

Commissioner GARRETSON. But when there are vast property interests involved, as are always involved in those cases—

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON (continuing). Or, as nearly always—

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON (continuing). Because the greatest of them are wage movements, would they accept the service of a man in that character who they believe to his finger tips was in sympathy with the demands of the men?

Mr. ROGERS. No; naturally, they would not accept him. For instance, as a third member of an arbitration board.

Commissioner GARRETSON. No; but I mean just as a mediator, leaving arbitration wholly out of the question. Nor do you believe this, any railroad official whose future depended, in the opinion of the men, on his devotion to the managing standpoint, do you suppose the men would ever accept him as a mediator in good faith?

Mr. ROGERS. Not at all.

Commissioner GARRETSON. Consequently, is not it proof of the fact that the man who comes from either of the recognized channels is handicapped as a mediator?

Mr. ROGERS. That is perfectly true.

Commissioner GARRETSON. Is that not the explanation of the attitude of the managers and presidents of the railroad companies and the chief executive officers of the Interstate organizations who were parties to the framing of the Newlands Act?

Mr. ROGERS. I presume that is the exact case.

Commissioner GARRETSON. In regard to the attitude of men who have an eminent reputation for fairness—I can cite one man who has retired from the managing world, Mr. W. C. Brown, of the New York Central. Are you aware of the fact that Mr. W. C. Brown was the spokesman for the New York railroads in advancing that view to the President?

Mr. ROGERS. Yes, sir; I understood so.

Commissioner GARRETSON. Do you know what Mr. Brown's reputation personally has been in the labor world for many years?

Mr. ROGERS. It happens that he was the particular man I had in mind a moment ago.

Commissioner GARRETSON. And still no stronger representation was made. Are you aware of the fact that no stronger representation was made to the President of the United States on that point—of making this an independent bureau, as was the Interstate Commerce Commission—than was made by Mr. W. C. Brown?

Mr. ROGERS. No, sir; I didn't know that.

Commissioner GARRETSON. The record will demonstrate that. It is that phase of the question that led me to ask on what your other belief was founded.

Mr. ROGERS. I want to qualify a little what I have said. My answers were intended, or at least I had them in mind, as applying more exactly to a State bureau of mediation and arbitration rather than the formation of a Government bureau. A Government bureau dealing, as the Newlands Act—as the railroad bureau created under the Newlands Act does—purely with railroads, meets the solid dividing line of a railway interest and the railroad men's interests. Our State interests cover railroad shop employees, men engaged in the city service, men engaged in public utilities in the different localities of the State, men engaged in manufacturing and mercantile pursuits in every walk of life, and a united opposition would not be developed to the selection of men as I have indicated.

Commissioner GARRETSON. But isn't this true in regard to a large part of that industry that you represent—namely, the shopmen, the carmen, the trackmen on a railway—that the only question involved is as to whether or not they would properly a little later come under a Federal bureau and be dependent on a court decision that these men, although located in a given point or engaged

in interstate commerce by reason of handling equipment that is engaged in interstate commerce?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. That is what it is all dependent upon?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Consequently that list, undoubtedly before the lapse of many years, will be carried under the Federal board, will it not?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Then the question arises, Must a lesser State question necessarily follow the precedent of the greater Federal question in finding a solution if a Federal bureau and the State bureaus are to work in accord and in unison with each other and utilize their energies together? Isn't that true?

Mr. ROGERS. It must have that tendency, certainly; but I should never consent to the proposition that an experienced employer who had been engaged in the settlement of disputes as representing the employers and an experienced labor leader who had been engaged in the settlement of disputes representing labor were thereby forever disqualified for service as a mediator, because my own experience has been exactly to the contrary.

Commissioner GARRETSON. Do you agree with this—

Mr. ROGERS (interrupting). When I say my own experience, I do not mean my personal experience.

Commissioner GARRETSON. I am talking about your official experience.

Mr. ROGERS. Yes, sir; in my official capacity.

Commissioner GARRETSON. I assume that you have seen this condition exist—I am talking from the standpoint of organizations that always mediate before a strike—you have seen the tense situation where the two interests were absolutely at cross-purposes, and the situation had gotten where an inadvertent word would put the men on strike?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. In other words, they would run away with the situation?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Of what use in a condition like that would be a man as a mediator against whom either side felt that he was prejudiced against them? Could he come in with value in the face of the tenseness?

Mr. ROGERS. No, sir; a man coming in when a situation is tense like that must be known as an unprejudiced man.

Commissioner GARRETSON. And he must have the wisdom of the serpent?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. And the patience that Job got his reputation on?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Is the value of the man as a general proposition determined from the greatest emergency that he confronts, or from the ordinary situation?

Mr. ROGERS. The value to whom?

Commissioner GARRETSON. To the public and to both interests, who are likewise a part of the public?

Mr. ROGERS. Well, it is very much like the strength of a rope being judged by its weakest point.

Commissioner GARRETSON. By its weakest point?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Is not the man that can meet the greatest emergency the type of man that is most desirable for the purpose?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Under all conditions?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Therefore, a man who might be good under ordinary conditions, where the strain and tenseness did not exist, who would be good under those circumstances, would be useless when the strain did exist and he would not have the same value as the man who was available under those circumstances?

Mr. ROGERS. Yes, sir.

Chairman WALSH. One question.

Was there, or was there not, a great deal of public pressure brought to bear in the Little Falls controversy for a compulsory investigation by the State, from outside sources?

Mr. ROGERS. I do not recall any considerable amount of public pressure. Chairman WALSH. Do you recall any pressure from outside? Did anyone wait on the commission, or anything of that sort, or wait upon you?

Mr. ROGERS. I believe the idea of having a public investigation was suggested once or twice by persons who had been at Little Falls investigating the progress of the strike and the conditions under which the people were working.

Chairman WALSH. Do you recall who they were?

Mr. ROGERS. I do not by name; no, sir.

Chairman WALSH. Did they represent any organizations that you recall?

Mr. ROGERS. I can not recall just what it was. I know there were some social workers who had been up there appealed to the department for a public investigation. However, the investigation had been determined on previous to that appeal. The appeal for the investigation did not cause it.

Chairman WALSH. Commissioner Lennon would like to ask a question.

Commissioner LENNON. Mr. Rogers, are you at all familiar with the records of the labor organizations of this country as to the settlement of industrial disputes by conciliation and mediation, as to who brings them about?

Mr. ROGERS. I make something of a study of those figures; yes, sir.

Commissioner LENNON. Are you aware of the fact that, as near as they have been able to develop actual data, 90 per cent of the successful mediation and conciliation is done by the officers of the trade-union movement? Not disputes that reach you; I mean, disputes between the unions that never reach a board like yours?

Mr. ROGERS. I presume from general information that is a pretty fair estimate.

Commissioner LENNON. I want your view on this question: We hear nearly every man holding a position like yours speaking of intervention with conciliation and mediation and possible arbitration where the interests of the general public become involved. Why should that be true as to large numbers of people, and why should not the same intervention of the State take place if there are only two people on strike? Why are they not entitled to the same consideration of the State as the largest body of men that could possibly be involved in a State?

Mr. ROGERS. Logically, the same argument would apply to the small strike that would apply to the large one.

Commissioner LENNON. Then your idea would be that a department like yours would grow as opportunity and means and everything else permit so as to cover, wherever it was called in, either the large or the small controversy?

Mr. ROGERS. Ultimately I hope to see strikes be the exception rather than a frequent rule.

Commissioner LENNON. That is all.

Chairman WALSH. Are there any other questions?

Commissioner GARRETSON. I want to ask Mr. Rogers one thing.

Mr. ROGERS. You are familiar with the Lemieux Act?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. With its application and methods?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. The Lemieux Act provides, does it not, that either party must—the employer before proceeding to lock out his men, or the men before proceeding to strike—make application for the board of investigation?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. It further provides that any municipality upon the line of a railroad or interested in any industrial dispute can also make application?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. But it does not make it obligatory upon the minister to hold the investigation?

Mr. ROGERS. No, sir.

Commissioner GARRETSON. It is discretionary with him whether he holds it or not?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. It also provides that neither interest can change the status while the investigation is being held?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Is it not a fact that under its actual working the employer does utilize that period to reinforce himself against a strike that will

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take place if the verdict of the investigating board is not favorable in any degree to the men?

Mr. ROGERS. They undoubtedly make preparations for a strike.

Commissioner GARRETSON. In other words, recruit men to replace them?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Have you kept any data or collected any to show you the amount of time that intervenes?

Mr. ROGERS. It averages about 30 days, as I am informed.

Commissioner GARRETSON. Although it will far exceed that, will it not?

Mr. ROGERS. In certain cases; yes, sir. The more important the case the longer it is apt to take.

Commissioner GARRETSON. Were you connected with the department in 1910?

Mr. ROGERS. Yes, sir; the latter part of 1910.

Commissioner GARRETSON. At the time of the wage movement in the East of 1910 by the conductors and trainmen?

Mr. ROGERS. Yes, sir.

Commissioner GARRETSON. Do you know the amount of time that was consumed in disposing of that question on the 3 Canadian railways while 77, I believe it was, in this country were disposed of?

Mr. ROGERS. I don't recall exactly how long it was; a considerable time I know.

Commissioner GARRETSON. Are you aware of the fact, or do your figures show you, that it took far more time to dispose of the 3 there than it did of the 77 here?

Mr. ROGERS. I believe that is the fact.

Commissioner GARRETSON. I suppose your experience has taught you something of the psychological moment, as it is fancifully described?

Mr. ROGERS. Very decidedly.

Commissioner GARRETSON. Could any greater weapon be placed in the hands of the employer than an enactment like the Lemieux Act to destroy action in concert, absolutely concert by the men?

Mr. ROGERS. I have heard that objection made to it by labor men.

Commissioner GARRETSON. If it took three months longer to dispose of 3 cases under the Lemieux law than it did to dispose of 77 under the Erdman Act, how long, in your opinion, would it have taken to take care of the 77 cases had they existed under the Lemieux Act?

Mr. ROGERS. No doubt that it would have taken a considerable time.

Commissioner GARRETSON. And if they had already had a hundred cases they would have cases unfinished even on the judgment day, wouldn't they?

Mr. ROGERS. It would have worn out everybody's patience, I think, at least.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all, thank you, Mr. Rogers.

Commissioner GARRETSON. Allow me to correct the record. I referred to the Lemieux Act. Allow me to insert "The Dominion compulsory arbitration act." I used the localism that is used on the other side for it.

TESTIMONY OF MR. TIMOTHY HEALY.

Chairman WALSH. What is your name?

Mr. HEALY. Timothy Healy.

Chairman WALSH. And what is your occupation?

Mr. HEALY. Coroner.

Chairman WALSH. How long have you lived in New York City?

Mr. HEALY. In this State?

Chairman WALSH. In this State; yes.

Mr. HEALY. Thirty-three years.

Chairman WALSH. How long?

Mr. HEALY. Thirty-three years.

Chairman WALSH. How long have lived in New York City?

Mr. HEALY. All of that time pretty much.

Chairman WALSH. All of that time? What position did you occupy prior to your election as coroner?

Mr. HEALY. President of the International Brotherhood of Stationary Firemen.

Chairman WALSH. How long were you president of that organization?

Mr. HEALY. Twelve years. I hold the office yet.

Chairman WALSH. I would like to know, Mr. Healy, whether or not you have had, as an official in that organization, any experience under the New York mediation and conciliation laws?

Mr. HEALY. No; I have had none directly.

Chairman WALSH. Has your organization ever had any appeal to them?

Mr. HEALY. No.

Chairman WALSH. In any controversy?

Mr. HEALY. No.

Chairman WALSH. Are you in favor of compulsory investigation of labor disputes?

Mr. HEALY. No.

Chairman WALSH. You note that it is simply a compulsory investigation?

Mr. HEALY. Yes; not compulsory arbitration.

Chairman WALSH. Not compulsory arbitration, but a compulsory investigation?

Mr. HEALY. Yes. I favor compulsory investigation of disputes.

Chairman WALSH. But I take it from your other answer, you are opposed to compulsory arbitration?

Mr. HEALY. Absolutely.

Chairman WALSH. Have you made a study in your capacity as head of this organization of the present State law of mediation and conciliation in the State of New York?

Mr. HEALY. Well, no; I haven't made a study. Know it in a general way, that is all.

Chairman WALSH. Could you give us any line upon whether or not that law in your opinion could be improved in any way?

Mr. HEALY. Well, I have my own ideas about that.

Chairman WALSH. Well, we will be very glad to have them, Mr. Healy.

Mr. HEALY. The present law, it seems to me, has for the past few years done quite some good in the investigations they have made. They have at least enlightened the public as to the points at issue. Now, I don't know what improvements could be made. I have heard that the State don't give sufficient men; that the board might be enlarged.

Chairman WALSH. Did you hear the testimony of Mr. Rogers given just a few minutes ago on that subject? Were you in here?

Mr. HEALY. I did not catch that. Not that particular point. I guess I was not here.

Chairman WALSH. Well, go ahead, then?

Mr. HEALY. I have heard complaints that the State don't pay the salaries to the men that they are entitled to. Outside of that I don't think—

Chairman WALSH (interrupting). You could not suggest any improvements in the law, then?

Mr. HEALY. Not to make suggestions. I haven't given it thought enough.

Chairman WALSH. That is all. Do you wish to ask any questions? Mr. Bird would like to ask some questions.

Mr. BIRD. I just want to know what experience you have had, whenever you came in contact in this State, in regard to arbitration and mediation; was it in 1910 in the International Paper Co.?

Mr. HEALY. I have had no experience.

Chairman WALSH. He says he has had no experience whatever.

Mr. HEALY. The only strikes I did have, the members of the board have come around and wanted to know if they could be of any assistance, and more than that I never came in contact with them.

Mr. BIRD. Have you ever had any experience serving on committees? Haven't you had some experience with the National Civic Association?

Mr. HEALY. The National Civic Federation?

Mr. BIRD. Have you any suggestions to offer as the result of your experience with that federation as to arbitration or mediation? Have you any suggestions?

Mr. HEALY. I haven't any suggestions to make.

Chairman WALSH. That is all, thank you, Mr. Healy.

The commission will now stand adjourned until to-morrow morning at 10 o'clock, to meet in this same room.

(Whereupon the commission adjourned to Thursday, June 4, 1914, at 10 a. m.)

NEW YORK CITY, June 4, 1914—10 a. m.

Present: Chairman Walsh, Commissioners Lennon, Garretson, Harriman, O'Connell; Counsel W. O. Thompson; Mr. Francis H. Bird, superintendent division public agencies.

Chairman WALSH. The commission will please be in order. Call your witness, Mr. Thompson.

Mr. THOMPSON. Mr. H. F. Stimpson.

TESTIMONY OF MR. H. F. STIMPSON.

Mr. THOMPSON. You may state your name, place of residence, and occupation.

Mr. STIMPSON. H. F. Stimpson; 1053 Dean Street, Brooklyn; consulting engineer.

Mr. THOMPSON. How long have you practiced your profession as consulting engineer?

Mr. STIMPSON. For the last two years, directly, and for a good many other years in connection with engineering organizations.

Mr. THOMPSON. Will you please name some of those organizations?

Mr. STIMPSON. The Universal Audit Co. of New York; the Emerson Co., of which Mr. Harrington Emerson is president; the Roberts & Abbott Co. of Cleveland, Ohio; the Westinghouse-Church-Kerr & Co.; Dodge & Day, Philadelphia; the General Electric Co.

Mr. THOMPSON. Mr. Stimpson, have you something to say on the proposition of where the money goes to, whether to the small storekeeper?

Mr. STIMPSON. The subjects on which I asked a hearing in the letter addressed to the commission are related to that proposition. As I conceive it, the purpose of the commission is expressed in a document which I received about the time of its appointment, from which I read: "The commission shall seek to discover and to point out the underlying causes of dissatisfaction in the industrial situation."

The causes may be divided into three groups, speaking from my knowledge of industrial matters of something over 30 years. First, the difficulty of obtaining employment and remaining in employment; second, the characteristics of the conditions under which work is done; third, the results of effort as embodied in what the wage or salary earner is able to secure with his wages. The second of those matters is being handled by what are generally termed "welfare workers." They are largely matters of direct arrangement between the worker and the employer, and I shall not ask the commission to give me any time on such. But I will ask the commission to give me a little attention on the first subject. The difficulty of securing employment, in my judgment, is not a matter of bringing the job and the man together, but it arises out of the fact that there are not enough jobs, and the reason that there are not enough jobs is because the purchasing power of the great majority of our people who are salary or wage earners has been artificially limited. There are only 198 hours in a week—7 times 24; and a man obviously can not work continuously. So that the maximum amount of time in which he can work may be now considered from 60 to a few more hours.

Now, it obviously follows that if the representation of his exerted efforts, which we term the wage, is unduly minimized when he goes to exchange it for the result of the effort of others—in other words, if he is asked to give up several times as much wage as he should for what he has to buy, it follows that his purchasing power is very greatly restricted, that that means that the market—the amount of goods which can be sold—is lessened, and that means that the chances for employment of other people is reduced. I conceive that the present business depression is totally unlike any other depression. It is a condition I have foreseen and prophesied for a number of years. It arises from the fact that the prices charged by the merchandisers, whether that means the sales department of the manufacturer, one of the wholesalers, the middle man, or the retailer have been so inflated—that is to say, increased out of all relation to any actual cost, that the purchasing power of the great majority of the people has become exhausted like a farm that is continually worked without fertilizing; and, in my judgment, it is an extremely serious condition. The remedy for that, obviously, must be some step which will prevent such an inflation of prices and that will automatically create a greater demand on the part of the people who are employed, so that there will be a great increase in the openings for others as workers.¹⁹ It is not a thinkable condition that dealers should refuse to sell to

people who come to buy from them or that manufacturers should refuse to make up orders which they get; but all of those things spring from the consumer. The producer exists for the benefit of the consumer, and not the consumer for the benefit of the producer. The need for the producer originates in the requirements of the consumer. In the present day a great many people are concerned in operations which do not directly touch the land. There is a long chain of operations between the land and the final consumer. And so when the people who conduct these operations can not secure a market for their property—that is to say, their energy—they are powerless to exist; and their simply going back to the land will not help that, because the things which are directly and completely produced from the land are very few.

Now, that has to do with the narrowing of the market for labor. Now, that narrowing causes people to be in a continual state of anxiety and mental agony and unrest, even when they have employment, because they don't know when they are going to be thrown out of it and they are fearful of the consequence of being put out.

On the other hand, the man who is employed finds that his work is continually bringing him in less and less returns in the shape of commodities or services or otherwise, because of these inflations. To show what these inflations mean, I will instance one or two things of which I have rather direct knowledge.

A member of my family was asked to pay in the millinery department of a department store of this city six times as much as she was asked to pay in another department, in the same store, on the same day, for the same thing, and which was the normal home of that article. In other words, a fabric which belonged in the upholstering department, where they were perfectly willing to sell for 15 cents a yard, when it was transported down to the millinery department, where it did not belong normally, was marked up to 85 cents a yard, and she would have paid it if she had not been a good shopper.

Suppose her to have been a working girl, working for 15 cents an hour, not experienced in shopping, she would have naturally gone to the millinery department; she would have given up six hours of wages for a yard of this fabric; and that would have meant she would have had five hours less wages to spend. In that case it would have meant a narrowing of the market, so far as she was concerned.

In a leading article of the Iron Age, published last August in support of the argument there should be a chemist attached to the purchasing department in an organization, it was stated that a certain compound had been sold to this company for hardening steel springs and for which they paid \$5 a pound. Becoming suspicious of the price, they got an analytical chemist and he examined the mixture and he found it was a mere mechanical mixture or stirring together of two chemicals, which could be bought in the open market for 5 cents a pound, and which had simply been mixed up and put in a package and sold for \$5 a pound.

I was told by one of the vice presidents of a brass manufacturing company in Connecticut that he paid \$1.25 for a certain raw material, in the shape of metal, laid down at his factory; that included the mining of the ore in the Rocky Mountains, the smelting of it, and the transportation across the country. To that he added \$2.25 of manufacturing cost, which he said included 15 cents profit, making a total cost at the factory of \$3.50. He told me he had traced the product down to the vicinity of New York and had found that the fixture cost the house owner between \$12 and \$15, and all that was done was to ship it down here, have it handled by the wholesaler or jobber and screwed into place by a plumber.

I have a letter sent to me by the firm of J. K. Rice, Jr., & Co., 36 Wall Street, dealers in securities. The letter was entirely unsolicited. It refers to the operations of the Singer Manufacturing Co. It states that that company was incorporated in 1863 with a half a million of stock, was increased in 1873 to \$1,000,000, to \$10,000,000 in 1887 (I would ask the commission to note that particular date, \$10,000,000 in 1887), to \$30,000,000 in 1900, and to \$80,000,000 in 1910, each increase being made by distributing stock dividends.

Cash dividends have been paid each year since the early days of the company, though a complete record before 1898 is lacking. But since 1898 cash payments to stockholders have totaled over \$93,000,000 on a \$10,000,000 capitalization. It is not improbable that surplus and reserve funds have grown to something over \$55,000,000 since the last stock dividends in 1910.

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Now, that means that since 1898, or in 15 years, the company has taken out of the public in the way of profits, distributed and otherwise, \$148,000,000, which is nearly 1,500 per cent on the capitalization prior to 1898.

If that is in the form of paper issued to conceal excessive profits, it means that they have taken out 1,500 per cent profit as against a normal profit of about 150 per cent; that is, 10 per cent for 15 years.

If, however, the profits have been invested in plant and equipment, it means that the difference between \$10,000,000 in 1898 and \$60,000,000 at the present, or \$50,000,000, have also been extracted from the community; so that in that case there would have been extracted nearly \$200,000,000 of net profits on a capitalization of \$10,000,000.

Now, gentlemen, my contention is that as long as the arbitrary method of valuation or setting prices goes on, it does not make any difference how fast a man's wages are raised, the merchandiser can raise the prices so much faster that the man is absolutely no better off in the end than in the beginning. In the old days of absolute monarchy the monarch valued various things which he might want on the basis of desirability, suitability, duty, utility, or anything of that kind.

The question of cost did not enter his head. He did not have to figure cost. We have continued to value things in that way. We do very fine bookkeeping, but our unit price—the cost price per unit, such as a foot, pound, bushel, or hour—is arbitrary. It is not based on any scientific reasoning, and while we have discovered that we can not trust each other to coin money because—I am speaking of metal money—man might make money out of anything he could get and put upon the community counterfeits which would endanger the soundness of transactions, we have not realized that an arbitrary, unscientific, inaccurate, impractical determination of unit values is a counterfeiting of prices which is just as dangerous as the counterfeiting of money. And therefore I claim that the remedy for this condition is the scientific valuation by a properly constituted Federal bureau on the basis of exerted effort of all service, and hence of commodities produced by service. My attention was directed to that originally by some investigations which I made, in which I found that the value in New York of a unit of electric power was 2 cents, the value of the same amount of power obtained from an animal was over 20 cents, and the cost of the same amount of power obtained from a dock laborer was over \$2. Now, under the present conditions, whenever the cost of power, which is the essential element of any cost, has been decreased, the effect has been to add it to the profit of the dealer rather than to decrease the cost to the consumer. It operates exactly as the tariff reduction has operated; the European dealer or the dealers on this side have absorbed the reduction and added it to their profits, and no saving to the consumer has resulted.

And in support of that I should like to read very briefly from some articles written by Mr. John Moody, 35 Nassau Street, from the periodical entitled "The Public," which is published in Chicago.

Chairman WALSH. Would you just please submit those? We have made it a sort of rule here, Mr. Stimpson, that where a document is offered that the document itself be given, because we are abstracting all these hearings and all the commissioners are reading them.

Mr. STIMPSON. Very good.

Chairman WALSH. You can make any verbal comment on it in your time, of course, but submit the document later.

Mr. STIMPSON. He makes the same statement that I do. He says that in the new capitalization the value of the stock is based on what he terms its "earning power." In other words, the amount which those who conduct the enterprise are able to extract from the public. I do not call it earning power. I call it "stealing power." I don't think it is wise to mince matters. If a man can buy a thing for 5 cents, and, without adding materially to its characteristics, can sell it for \$5, I think that is stealing, and I think that the dividend-producing power on that kind of a transaction is false economy, dishonesty, immorality, and ruinous to the safety of this country, and it is absolutely impossible for the individual to fight that condition.

I have said to the Central Labor Union that no actions of theirs, as a union, in the way of getting an increased wage could permanently benefit them, because of the immediate increase in the prices which they are asked to pay, and also because the increase of wage they obtain is usually paid by their fellow unionists who purchase the commodity; whereas if through their Congressman

they caused the proper Federal action to be taken the water would be squeezed out of these prices. This would be practically the same as an increase in their wages, but it would not detrimentally affect all of the people who came into the question afterwards.

That, Mr. Chairman, is in brief the thing which I wanted to bring to your attention.

The matter of industrial unrest is not a matter to be remedied by labor exchanges. We must remove the artificial restriction on the market in which labor may be sold, and we must bring about such conditions that a man will not have to work harder to earn the price of a thing than he would to make it himself. That condition is unthinkable, when you go back to the principle of the exchange of effort, but when a man has to work 5 or 10 or more times as hard to earn the price of a thing than to make it plainly there is something wrong and something which can not be defended.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. You made the statement, Mr. Stimpson, that the bringing of the man and the job together would not have any effect on the question of unemployment, because it was based on the fact that there were not enough jobs?

Mr. STIMPSON. I meant to convey the idea, Mr. Commissioner, that that was a very minor proposition; that undoubtedly there are some vacant jobs for the men, but I do not think there are more than a very few per cent of the number of idle men. I don't think if you got all the jobs for all of the men you would handle the question of unemployment.

Commissioner GARRETSON. Well, then, if means were devised for bringing the men and such jobs as are open together it would minimize unemployment to the actual surplus of men over jobs, wouldn't it?

Mr. STIMPSON. Surely. I don't want to be understood as objecting to that plan, only as trying to bring out that the other thing is a great deal more important.

Commissioner GARRETSON. Has your investigation on this subject led you to the conclusion—I am only going to deal with one form of merchandiser, the retailer—that a large part of the added cost of commodities that are consumed daily—that is, the necessities of life—is caused by a multiplication of retailers, with the result that each retailer expects to get his living and a profit from a very small volume of sales, instead of from a reasonable volume of sales, if the number was not needlessly multiplied?

Mr. STIMPSON. I think that is true, that there are a great many small enterprises, such as grocers, where the normal profit from their volume of trade would not equal the living of the man who conducts the business. I think that is perfectly true.

Mr. GARRETSON. And he has to have an abnormal rate of return from his gross to give him a living, let alone a profit?

Mr. STIMPSON. That is true. I will speak, if I may, in relation to my own grocer. He is a young man whose father conducted this small business for a great many years in this locality. He is working hard, I know from personal observation, all day himself. He keeps his men busy. But I have understood from what I think is good authority that his profits are very very small. That is—

Commissioner GARRETSON. His gross profits?

Mr. STIMPSON. His net profits.

Commissioner GARRETSON. I mean on his gross business?

Mr. STIMPSON. Yes. Are a long ways less than 10 per cent. Now, in any enterprise of that kind there are certain functions which have to be exercised and which one man can exercise over a great many people as efficiently as over a few.

Commissioner GARRETSON. You mean that his profit of 10 per cent is a net profit after overhead is paid?

Mr. STIMPSON. That is my understanding.

Commissioner GARRETSON. Well, what does that mean? What percentage of cost on the individual article is necessary over what he pays for them to bring him that net result?

Mr. STIMPSON. Well, that I haven't information enough to answer. My understanding of the per cent I spoke of was on capital invested.

Commissioner GARRETSON. Certainly. Net results.

Mr. STIMPSON. Yes.

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Commissioner GARRETSON. In other words, if he did a business of \$30 a day to get anything out of it he would have to have \$15 in the form of increase over his cost, virtually 100 per cent?

Mr. STIMPSON. Well, that is a statement which I should not like to either assent to or dissent from.

Commissioner GARRETSON. Well, it would be a necessity if he met the charge of his business, would it not?

Mr. STIMPSON. In a general way the question is too indefinite to answer. There isn't data enough there to form that opinion.

Commissioner GARRETSON. From a clause in your letter, the third clause, where you take the position that there should be scientific valuation by the Federal Government of all property, including labor, do you consider human labor as a commodity?

Mr. STIMPSON. No; because a commodity is a union of inert material and effort. But I do consider human labor as property, just as the power which the Edison Co. sells is property.

Commissioner GARRETSON. Isn't that the idea underlying slavery?

Mr. STIMPSON. No. The Edison Co. is in the business of liberating solar energy from the coal which it burns in its power plant, and it sells that power to people to do with what they want to with it. Every man, physiologically speaking, does exactly the same thing. He liberates solar energy from the food which he eats. He is very much in the position of a farmer. The farmer has raised crops. If he can't dispose of them before they decay, it is a loss. The workman can no more store his energy at present than the farmer can store apples indefinitely. If he can not utilize that, as you might say, within 24 hours, it is a loss to him. But it is property just the same as the power which the Edison Co. sells is property. Now, my contention is that that property, the basic element of energy of which steam, electricity, water power, human labor, and other things are manifested—I am speaking technically now—

Commissioner GARRETSON. Yes.

Mr. STIMPSON. That that property is the vital element of all property which we exchange, and that the laborer, the wage or salary earner, for his own protection, should insist that means be provided whereby he might either measure or secure the measurement of the property which he has to sell, so that he might know whether he gets the equivalent in the process of exchange.

Commissioner GARRETSON. In other words, on this purely technical ground which you take, the Edison Co. owns the machine and releases the solar energy in one instance and the man leases the human machine that releases this energy to somebody else and takes a wage therefor?

Mr. STIMPSON. Yes.

Commissioner GARRETSON. And the machine and the man are put on the same plane in your system?

Mr. STIMPSON. Well, the man, in my estimation, is the spirit which lives in the body; it bears the same relation to the body that the engineer does to the locomotive. The power which, as you might say, runs the man is a spiritual power which comes to the mind; the power which runs the man's body is the latent power in the food he eats.

Commissioner GARRETSON. Has there ever existed an industrial system, Mr. Stimpson, where the owner owned the body that he did not also dominate the spirit?

Mr. STIMPSON. If by owner you mean another individual, as in slavery—

Commissioner GARRETSON. Or leaseage.

Mr. STIMPSON. I don't gather the connection of the word leaseage.

Commissioner GARRETSON. Well, under the wage system, drawing the illustration of the man to the machine, if the Edison Co. owns the machine another employer leases this human machine for the time being and pays a wage therefor for the time period which he employs him.

Mr. STIMPSON. It seems to me that the trouble is, if I may use the word, with the lowered view of the laboring man. I don't think he rises to a sense of his own dignity. I consider the laboring man as a man of exactly the same plane as the employer. The laboring man, the spirit, the real man, lives in the body. By that body he transforms the energy of food into energy which may be employed to push a truck or anything else. He is a manufacturer of power exactly on the same plane as the Edison Co. He has a perfect right to sell his product, and that is what he does sell, to anybody he wants to. The trouble is that at present he does not know how to measure his own product. He is taking some one else's word for the measurement, and he gets the worst of the

deal. And because his education is not sufficient to enable him to protect himself, my position is that the Federal Government should protect him, protect his interests or enable him to do it.

In other words, it would come down to this, that when a man went to perform an operation he might call for the Federal tariff or expression of values of that operation, just as you can go down to the railway station and call for the tariff of fares so that the ticket agent can not charge you \$10 for an \$8 ride and put the other \$2 in his pocket. And there would be no question about the wage, because the energy required for a certain operation does not change as long as the operation does not change. On the other hand, when he goes to exchange his wage for a commodity in the store he could call for the tariff of values there, so that he could be sure that the translation was equal, that he got the equivalent of what he gave. That is just the point I want to bring out.

Commissioner GARRETSON. Just one more question: Hasn't your system in its totality had an exact prototype in the history of the world?

Mr. STIMPSON. I don't think it has ever had, because that question of values has never been determined on that basis, so far as I know.

Commissioner GARRETSON. Was not the old payment in kind, where the man received so many pounds of stuff for so many hours of service, exactly what your system contemplates?

Mr. STIMPSON. No, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, thank you, Mr. Stimpson. Call your next witness, Mr. Thompson.

Mr. THOMPSON. I will call Mr. James M. Lynch.

TESTIMONY OF MR. JAMES M. LYNCH.

Mr. BIRD. For the purposes of the record, Mr. Lynch, will you please state your name, address, and present occupation?

Mr. LYNCH. James M. Lynch, Albany; commissioner of labor of the State of New York.

Mr. BIRD. How long have you been commissioner of labor?

Mr. LYNCH. Since last October.

Mr. BIRD. What was your occupation previous to that time?

Mr. LYNCH. Previous to that time I was president of the International Typographical Union.

Mr. BIRD. How long were you president of the International Typographical Union?

Mr. LYNCH. Thirteen years.

Mr. BIRD. In the testimony brought out yesterday by your chief mediator, Mr. Rogers, he referred to the fact that industrial controversies in New York were handled sometimes by single mediators and sometimes by a board of mediation and investigation. Your law reads that the board of mediation and arbitration shall inquire into a controversy if the commissioner of labor deems it advisable. Now, I would like to ask you when you deem it advisable to have this board of mediation and arbitration investigate such controversies?

Mr. LYNCH. When we deem it advisable to have the mediation board itself act?

Mr. BIRD. Yes, sir.

Mr. LYNCH. When the difficulty or threatened difficulty is of sufficient importance to justify that action, and when the individual efforts of the arbitrators have failed—the individual efforts at mediation have failed.

Mr. BIRD. Do I understand, first, you send in an individual mediator?

Mr. LYNCH. We send in the individual mediators when a strike threatens or after the industrial disturbance has taken place. Then we send, if necessary, the entire board, still endeavoring to adjust the matter through mediation. Then, if that fails, and the industrial disturbance is of sufficient importance to justify an investigation, we hold a public investigation.

Mr. BIRD. Do you consider this method of public investigation a good thing?

Mr. LYNCH. Why, yes; I think it is a good thing.

Mr. BIRD. Now, what advantage has it been to your department? Mr. Rogers brought out the fact yesterday that some of the disputes with which he had to do were oftentimes settled, he thought, in part because you had that club behind you, which you could use and which you often did not need to use.

Mr. LYNCH. Because we have that power, rather than club. We have that power to conduct an investigation and determine the facts. The facts, naturally,

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make it clear to the public who is responsible for the continuance of this disturbance.

Mr. BIRD. Is it a fact that you have used that power more and more in the last few years?

Mr. LYNCH. Well, we have used it, the records show, more in the last few years than formerly, because the power has been given to the board only in recent times—the power of compulsory investigation.

Mr. BIRD. Now, in cases where you intimate you are going to use this power, from the testimony yesterday it was brought out that a settlement was very readily made frequently. Is that settlement because employers feared the results of the investigation or because the employees feared the results of that investigation?

Mr. LYNCH. That would again depend on the circumstances that might surround a particular threatened industrial disturbance or actual industrial disturbance. I should say that if the employer was wrong—that is, if his position was not justified—or if the union itself was wrong in its position and was not justified—that is, if either one of them was refusing to arbitrate—that rather than have those facts brought out they would get together and adjust the disturbance.

Mr. BIRD. In other words, both sides to the controversy respect public opinion. Is that your idea?

Mr. LYNCH. Most assuredly.

Mr. BIRD. And if the State has the machinery by which public opinion can be brought to bear upon the controversy some disputes could be adjusted which could not be adjusted otherwise?

Mr. LYNCH. I would say that would be true; not only some disputes, but nearly all the important disputes.

Mr. BIRD. Do you consider, Mr. Lynch, that the best kind of organization, of a bureau or board of mediation and arbitration, is that where the bureau of mediation is connected directly with the department of labor, as your organization is? Do you consider your organization—

Mr. LYNCH (interrupting). The best kind of a bureau?

Mr. BIRD. Yes; or would you prefer to have it separate? Do you think—

Mr. LYNCH (interrupting). In the State it should be a part of the department of labor; that is, if the State is to exercise that function it should be a part of the department of labor, as it is at the present time.

Mr. BIRD. Now, what are the advantages of such an organization?

Mr. LYNCH. Well, the same advantage that links up all the other activities of the State that concern industry and interest the wage earner in one department with a commissioner who has power to do certain things.

Mr. BIRD. Could you state specifically some of the advantages?

Mr. LYNCH. Well, I can not see the disadvantages. If you give me an idea of what you have in mind as to the disadvantages, perhaps I could make it clear. I mean, it has no disadvantages. The present organization of the bureau of mediation is as nearly perfect, I think, as it can be made. It is a State function, and part of the department of labor.

Mr. BIRD. Now, are there any defects in the present law, or any recommendations which you have in mind as to the improvement of the bureau of mediation and arbitration, or your functions connected with the bureau of mediation and arbitration?

Mr. LYNCH. Not at the present.

Mr. BIRD. Do you have any trouble with the settling of interstate disputes?

Mr. LYNCH. Interstate?

Mr. BIRD. Yes, sir; where employers or employees of one State are connected with a controversy which spreads over a number of States.

Mr. LYNCH. That would be in connection with the railroads.

Mr. BIRD. With the railroads, or any big industry which has a number of plants.

Mr. LYNCH. Well, we do not attempt to handle a railroad dispute, and so far as any other industry doing an interstate business with plants in different States is concerned, we have no difficulty with that. The General Electric Co., for instance, with a plant in Schenectady, or any other corporation with plants in various and different cities of the State, because there the difficulty is localized.

Mr. BIRD. But a railroad is not localized, but extends from State to State. You have had difficulty, have you not, with railroad disputes?

Mr. LYNCH. One instance since I have been commissioner.

Mr. BIRD. Do you think the Federal Government should have its powers enlarged so as to include all employees in connection with the railroads?

Mr. LYNCH. If the Federal Government is to handle the matter, I think it should handle all employees connected with that industry.

Mr. BIRD. Do you think the Federal Government should handle employees connected with other big industries under the Constitution?

Mr. LYNCH. By the same machinery with which to handle the railroads?

Mr. BIRD. By some Federal machinery.

Mr. LYNCH. That is rather an indefinite proposition. I should not like to commit myself to a proposition that the Federal Government should have the right, or should enact a compulsory arbitration law, for instance.

Mr. BIRD. Suppose the board of mediation and arbitration, as it has been created and exists at present, was enlarged, with practically the same powers, would you consider such a kind of machinery proper?

Mr. LYNCH. Well, it seems to me again that is rather a large question for an affirmative or negative answer.

Mr. BIRD. Well, put it this way. In New York State there was a department of labor, and a bureau of mediation and arbitration connected with the department of labor. Now, if there were a board of mediation and arbitration separate from the department of labor, do you think we should enlarge the powers of this board, as is the case with the Federal board?

Mr. LYNCH. I think it should be connected with the department of labor.

Mr. BIRD. Why?

Mr. LYNCH. Because of the same reasons that make it advisable that the board of mediation and arbitration in the State should be connected with the department of labor. That is the department that handles these matters, and they are more or less related, and it is the proper department, in my opinion, that should have charge of matters of that kind.

Mr. BIRD. That is all, Mr. Chairman.

Commissioner GARRETSON. Mr. Lynch, do you believe, regardless for a moment of what department it might be connected with, that a desirable method of administering mediation and conciliation would be the institution of a Federal agency of some reasonable type, either an extension of the present Newlands method, or the creation of a tribunal somewhat similar in character, acting in concert with the State agencies, and dealing with all questions arising that were interstate in any way in their character, either as to location, service, output, or kindred questions would be a desirable method of dealing with conciliation and mediation?

Mr. LYNCH. I can readily agree to the affirmative of that question because of the use of the reasonable powers of such a board; that would be in accordance with my opinion of what would be the reasonable powers of such a board.

Commissioner GARRETSON. If the powers were, in your opinion, reasonable, would it be, in your opinion, a desirable method?

Mr. LYNCH. Any agency with prestige and authority that can step in at the proper time and bring the disputants together, would be a good proposition, in my opinion.

Commissioner GARRETSON. Do you believe that all corporations or combinations that are interstate in their character should be brought under, as, for instance, the Lake Carriers' Association that was cited yesterday, which does business in three or four different States; the General Electric Co., I believe, also does; the International Paper Co.—do you believe that enterprises of that character should properly be brought under the Federal jurisdiction or remain as at present, under State jurisdiction?

Mr. LYNCH. They could be very properly brought under Federal jurisdiction under the reasonable methods that you suggest.

Commissioner GARRETSON. How is that?

Mr. LYNCH. They could be very properly brought under Federal jurisdiction under the reasonable methods that you suggest.

Commissioner GARRETSON. Now, do not misunderstand my attitude. I would be as quick as yourself to oppose any compulsory form, nor would I term any compulsory measure reasonable; but describing the powers that the present Newlands board have, do you believe that they could deal more satisfactorily with problems arising in these interstate organizations that I have named, than the States can?

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Mr. LYNCH. They could, where the difficulty extends from one State to another State.

Commissioner GARRETSON. Yes.

Mr. LYNCH. Where the difficulty is localized I believe that the State board could act as efficiently as a Federal board.

Commissioner GARRETSON. But wherever the result is felt in more than one State—or the action takes place, probably is a better term—is in more than one State, then it could be handled better by Federal jurisdiction?

Mr. LYNCH. Where the action takes place in different States, I believe it could.

Commissioner GARRETSON. Is it not true under the States system the contestants—possibly sometimes the labor involved and possibly the employers—do play one State against another, on account of that divided jurisdiction that now exists?

Mr. LYNCH. In industrial disputes?

Commissioner GARRETSON. Yes. That they will make one representation to one State board and another to another?

Mr. LYNCH. I think that would be quite likely. I have no knowledge of that, actually.

Commissioner GARRETSON. It could easily be done?

Mr. LYNCH. The same thing occurs in connection with the application of the labor laws, the threats of manufacturers or those who represent the manufacturers to move out of the State, and all that.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. LYNCH. Which they have done, by the way.

Commissioner GARRETSON. By the way, one thing there. The fact is, in your experience, in regard to State legislation on various subjects, you have always found that the stuffed club that was invariably wielded against reasonable legislation in favor of the wageworker alone?

Mr. LYNCH. I have almost invariably found that the threat to move to some other State has been made in order to defeat legislation that was humane and beneficent in its purposes.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Have you any questions, Mrs. Harriman?

Commissioner HARRIMAN. No, sir.

Commissioner LENNON. Mr. Lynch, how is the board of mediation in the State of New York now named? How is it selected?

Mr. LYNCH. How is it named?

Commissioner LENNON. How is it selected?

Mr. LYNCH. It is selected by the commissioner. The present board of mediation and arbitration, however, has been in office for some years.

Commissioner LENNON. Is there anything in the law as to the selection of this board that they shall be partly representative of labor and partly representative of employers, anything of that character?

Mr. LYNCH. No, sir.

Commissioner LENNON. If a national board, with similar powers, having to do with interstate commerce, were established, what would you think of a provision that such board should represent the employers and the employees?

Mr. LYNCH. Well, that would depend largely on the number that would constitute the board, in my opinion.

Commissioner LENNON. Well, say a board of 7, or 9, or 15?

Mr. LYNCH. I don't know that I would be in favor of that provision with an odd-numbered board. With three representing the employees and three representing the employers, and one representing the public, we might say, and one independent arbitrator, because I am of the opinion that in nearly all instances the decision would be made by the chairman of the board.

Commissioner LENNON. Do you believe that men should be, or women, as the case might be—we might have to have some women on the job—should be selected for their fitness, for their tact, and for their general character, rather than because of their particular affiliation with any body?

Mr. LYNCH. Yes, sir; I believe that would be the ideal board.

Commissioner LENNON. What has your experience been as to the success of trade unionists who have had opportunities as officers of national or international unions as mediators? Have they been moderately successful under your observation?

Mr. LYNCH. Speaking of my own trade?

Commissioner LENNON. Yes.

Mr. LYNCH. The International Typographical Union, which has had an agreement with the American Newspaper Publishers' Association for more than 12 years—we have been highly successful in connection with mediation and arbitration, and, so far as my knowledge goes, and I have had some opportunity for observation, in all instances where the arbitration agreements are made between employers' associations and the unions, they have been successful.

Commissioner LENNON. Would you not hold to the view that such board as the one in the State of New York, or a national one, if created, is to supplant the work of mediation and conciliation that is now done by the unions direct with their employees?

Mr. LYNCH. No, sir. My instructions to the mediators of the State are that the employer and the employee are to settle these difficulties, if it is possible to get them together to do it. That is the best form of settlement.

Commissioner LENNON. Your answer would indicate that you believe that these boards are to step in where the ordinary method of mediation and conciliation have entirely failed between the organizations?

Mr. LYNCH. Yes, sir.

Commissioner LENNON. And then there should be this resort for the protection of the public?

Mr. LYNCH. Yes, sir.

Commissioner LENNON. That is all I have.

Chairman WALSH. Are there any other questions?

(No response.)

Chairman WALSH. That is all, Mr. Lynch, thank you.

EXHIBITS.

LUNDRIGAN EXHIBIT.

INTERNATIONAL PAPER CO.,
30 Broad Street, New York, June 4, 1914.

MR. BASIL M. MANLY, Chief of Staff,
United States Commission on Industrial Relations,
Room 1226, Municipal Building, New York City.

DEAR SIR: During my appearance before the industrial commission yesterday one of the commissioners requested of me that I furnish the commission with my report as member of the New York State Board of Mediation and Arbitration on the so-called Great Lakes dispute which occurred during the season of 1908..

I am inclosing herewith copy of the June, 1909, Bulletin of the New York State Department of Labor, which contains this report in full and which will be found on pages 132 to 158 inclusive.¹

I am also inclosing copy of the address delivered by myself at the convention of the several State boards of arbitration held at Washington, D. C., in March, 1910.

Each of these are sent for the information of the commission, and trust that they may be of some use to you.

* * * * *

Yours, very truly,

JOHN LUNDRIGAN.

[Copy of address delivered March, 1910, before National Convention of State Arbitration Boards at Washington, D. C., by John Lundrigan.]

So far as I am aware this is the first general conference of public officials which has undertaken to deal with the subject of labor disputes. It had its inspiration through the efforts of the members of a joint conference, acting as a joint board of conciliation, composed of representatives of the State boards of arbitration of Ohio, Indiana, Illinois, Wisconsin, Michigan, and New York, which during the summer of 1909 sought to effect conciliation in the general dispute then existing on the Great Lakes.

Through the information gleaned and experience had during a series of meetings the participants became so thoroughly convinced of the necessity for a larger degree of cooperation and a better understanding of methods that it was unanimously decided to promote and hold at least one general international conference. Without any existing organization and with facilities limited to the volunteer services of a few individuals, the mere gathering together of this representation has been no light task. Necessarily the program was left so elastic and open that none of the participants need feel restricted as to scope or subject in either presentation of papers or discussion. The question of whether or not a permanent organization should be formed, and if so its character, was intentionally left open for the determination of this conference. Therefore, what I have to say will be general in character, presenting within my limited capability some of the, to my mind, more important practical features of the general needs, wants, and experiences embodied in the field of industrial effort having to do with labor disputes.

As I understand it, the general object is, so far as may be, to render more effective the facilities now existing for conserving industrial peace so far as

¹ The report referred to, "New York Labor Bulletin, June, 1909, issued under the direction of John Williams, commissioner of labor," was submitted in printed form.

relations between employer and employee are concerned. In other words, the promotion and enlargement of the principles and practices of conciliation, mediation, and arbitration in disputes between employer and employee. It is to be assumed that we are all practical men seeking a practical solution—perhaps improvement would be better—of the existing situation together with a larger degree of success in the administration of our official duties. Therefore, it is well to look over the record of past experiences with a view to pointing out the obstacles encountered and with the hope, and in some degree the expectation that at least partial remedies may be suggested.

Governmental, provincial, and State laws are enacted, construed, and executed—I almost said in a spirit of confusion—to say the least without any active consultation or cooperation between the separate governmental agencies. For instance, we find 25 States having some form of statute law dealing with this subject and charging its execution or enforcement to certain State officers, the provisions of no two statutes being alike. Titles of officers, together with their methods of procedure, compensation, number of executive officers, etc., are so out of harmony or proportion as might well cause one unfamiliar with our general system of government to wonder whether or not the several States occupied harmonious or antagonistic governmental relations with each other. The blame or responsibility for this condition rests on no one and nowhere in particular because of the fact that until within the present generation there appeared to be only few occasions when it seemed either wise or necessary that Government should interfere directly with industrial relations between employer and employee.

With the latter-day growth of industrial effort through the consolidation and amalgamation of productive agencies represented by the employing interests as well as the employees' unions and associations, we are face to face with the fact that industry has eliminated State lines in every sense of the word so far as development and direction—I think I could say control—are concerned, subject only to certain police powers and taxation for that portion of its plant or capital within certain State lines. The workmen's combination or organization has long been interstate—but really more intrastate or local—in character than most large employers, owing to the generally known fact that, especially in matters which might result in an interruption of industry in the form of a strike, the smallest factor—that is, the local organization directly concerned—must exercise original jurisdiction or decision and their course or action be sustained by the national or international body, whereas in the case of an employing corporation which is apparently a State corporation having plants or facilities in other States, the controlling corporate authority can, at its pleasure, cause the cessation of industry in any of the States where it operates.

Then comes the third estate, the general public, which is made up, I take it, very largely of employers and employees. This interest is supposed to be the special charge of governmental agencies and its welfare and protection their first duty. What the public as a whole seems to want at this time is publicity; that is, as I understand it, positive, accurate, public official information. Believing that when this is promptly had public sentiment will compel a reasonable solution, my judgment conforms to this idea, at least to the extent that if the expected relief does not ensue Government will have at hand the necessary information to create and apply such legislative and executive remedies as conditions warrant. No one will fail to grasp the necessity for cooperation and uniformity in both manner and method of carrying out this principle.

For instance, in the case of a corporation engaged in telegraph, telephone, or express business, or the manufacture of steel, iron, paper, and many other commodities, the corporation may be a State corporation with its executive offices in one State and its productive departments and energies in several other States. It is possible that a large part of the industry may be interrupted on account of a strike or lockout, and that there may be no interruption in the State where executive authority exists. Under such circumstances at the present time there is no possible legal method of securing accurate information. I doubt whether or not one can be established except through Federal authority, although it might be possible—if all State agencies had the authority to investigate now vested in some of the States—to conduct a cooperative investigation: i. e., each State investigate that portion of the industry involved which was actually within its own jurisdiction. And here will be seen the necessity for uniform authority, and especially uniform methods, together with actual cooperation with the other State governments and the Federal Government as well; and while on this subject I can not say too emphatically we should also

do everything in our power to encourage and secure the assistance and cooperation of any and all civic bodies which are not engaged in open warfare on the principle of industrial collective bargaining as well.

In the first place, there should be written into the public records of our national industrial life definite information, commonly termed "statistics," showing the loss of industrial energy caused by strikes and lockouts, together with causes, methods of termination, etc. It may be contended that this is done at present. My answer is, this information is at best collected and computed without any reference to uniformity of system or method as between separate States or subdivisions of government. It is true the Federal Government undertakes to collect and compile this information at separated intervals, but is nearly always confronted with the situation that the dispute and very often the active participants, especially the representatives of the employees, have passed into oblivion before the work is undertaken. I strongly urge on this conference the importance and value of uniform methods in both collection and compilation of statistical information on this subject, and recommend that a committee be appointed to consider the systems now in vogue with the object of recommending to this conference, or later to the participants therein, methods which will have a uniform basic principle and, as nearly as possible, similarity of detail. The logical sequence to this recommendation is also an argument for—in fact, demonstrates the necessity for—cooperation between separate State boards and between State and Federal departments in the collection of information. I refer to disputes interstate in character, as, for instance, the national strike of telegraph operators three years ago, the International Paper Co. strike of last year, and the hat makers' strike of the year just closed. I venture the opinion that no bureau or department has or ever will have reasonably correct statistical data on those or similar disputes, mainly due to two causes—lack of uniform methods and absence of cooperation as well as dearth of resources. Hence I trust this conference will, so far as possible, encourage and promote the principle and practice of cooperation between the several States and with the Federal Government. A volume might be written on this subject, but, in order to touch on other important subjects, I am leaving details for presentation by others or discussion by the conference.

Practically speaking, we will now assume we have discovered the existence of a strike or lockout. We have provided and are putting in practice a comprehensive system or method of securing and compiling the statistical information. Other States in which a portion of the industry may be located are cooperating with us in this direction. But what about making no effort to terminate or adjust the dispute? I think you will all agree this is something of a poser. Every man who has had practical experience will join me in the contention that there is no hard and fast rule to go by, and in the light of experience I can not refrain from suggesting a comparison which occurs to me, inspired by the remark of an old consulting physician in a case of serious illness. He looked the patient over carefully, asked numerous questions, and later said: "Well, the patient is going to recover, hat," he said, "do you know, I would give up the business of a consulting physician if I could afford it, because I am scarcely ever called in until there is no help for the patient, and when death ensues I head the list of physicians in attendance." So with the public official; he is not wanted, often not tolerated until one of the parties to a dispute is at the end of his other resources, then said party demands that said public official interfere, but the other party says the dispute is dead. That is human nature, I might say human selfishness—possibly human suspicion—and after all, we might present the same attitude in the other fellow's place. Consequently it is up to the public official who seeks to intervene in labor disputes with the limited authority at present vested in such officials to conduct a continuous campaign of demonstration to his constituency, embodying the positive propositions of ability, courage, and integrity; ability standing for actual and practical knowledge on the general subject of industrial disputes and courage to demonstrate that fact, prepared after reasonable inquiry to make some positive recommendation or suggestion to meet or overcome the questions in dispute, and if necessary to take the responsibility for criticizing the position, attitude, or contentions of either or all parties to the controversy. It goes without saying that no one who has the appearance of prejudice or bias or whose personal or official integrity is even doubtful can engage successfully in work of this character. Summed up, there is no place in an industrial dispute which has assumed the form of a strike or lockout for a public official who has neither the ability to recommend some reasonable method of solving the problem presented nor the courage to present it.

This brings us along to the stage where mediation and conciliation have failed, and what then? It seems to me that depends on the character and importance of the industry. If it be of a public or quasi public service character, necessary to the welfare, comfort, or convenience of the general public, there should be forthwith a thorough public investigation conducted by the State or governmental body having jurisdiction in the premises. And, by the way, State and National statutes should be created or strengthened so that either the Federal or State Government should have jurisdiction in every such situation. In fact, I am firm in the belief that if it were a generally accepted fact that a full and thorough official investigation of every important strike and lock-out would be promptly made and a formal finding and public official recommendation ensue, a very material reduction in the volume of such disputes would be effected. But, my friends, here is the rub: It takes time and money to conduct investigations. As a matter of fact, it takes time and money and tact and patience and oftentimes self-restraint to do almost any of the things indicated in the mystic words "conciliation, mediation, and arbitration," and, here again, it is up to us. Have we put the proposition squarely up to the powers that be at home? Have we said or can we say that, given so many more dollars, we will return it manifold to the State through minimizing interruptions to industrial energy? Whether or not such statements would be credited is another matter. In any event it is a foregone conclusion that a percentage of our people would immediately raise the question of governmental interference with individual or property rights, which could well provoke the retort that labor disputes are about, if not quite, the only phase of human existence or endeavor in which government does not now interfere, and I might add, while I am at this time opposed to compulsory arbitration, industrial disputes are about the only form of human contention in which government does not arbitrarily compel adjustment.

Then, we always have with us the individual who insists on preserving the autonomy and authority of the State. I would have no objection to his contention if the factors composing our industrial life were confined to State limits or jurisdiction. We all realize this to be not only an impossible proposition, but an undesirable one as well. We are in an age of combination—the doing of things collectively, especially as applied to industry—and it stands to reason if there is to be any effective supervision or regulation it must be collective, or at least cooperative in character. As a matter of fact, in nearly all large avenues of employment, especially those that are public or semipublic service in character, the individual employer has given way to the corporation, which is a creature of government. I can see no good reason why, when through the medium of a labor dispute an industry controlled by a corporation is suspended or seriously impaired in operation, the stockholders, to say nothing of the public, are not entitled to know the cause thereof. It would also seem that this knowledge would be of great importance to the legislative branches of government, in order that if legislation were advisable or necessary it might be based on reliable information.

Turning to the Federal Department of Labor and Federal legislation on this general subject, I believe no one at all familiar with the recent industrial history, especially the two critical situations on the railroads, first the so-called Western Association dispute three years ago and a year later the dispute on the railroads in the South, will other than thank Providence and the United States Congress that we had such a statute as the Erdman Conciliation Act, and it might well be said, such capable men as Commissioner of Labor Neill and Chairman of the Interstate Commerce Commission Knapp to administer it. Inasmuch as this is practically all of the executive authority the Federal Government has thus far enacted into law on this subject, it would perhaps be well to consider whether or not it is adequate to meet conditions which may at any time arise. Personally, I am of the opinion that it is not. As a matter of fact, a situation familiar to several of those present appears to have existed on the Great Lakes during the entire season of navigation for 1909, which was investigated so far as possible by the combined boards of arbitration of several of the great States of the Union, which according to a statement signed by them contained many grave contentions, and apparently involved nearly 8,000 workpeople as well as a loss to industry which can not be measured or computed. No single State had either sufficient jurisdiction or equipment to make proper inquiry. Although I am merely stating a fact in asserting that all participants were of the opinion that a full inquiry should be made, I believe the Federal law should be so amended as to include all interstate-commerce indus-

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trial disputes within the jurisdiction of conciliation and investigation. Another point I desire to make, in justice to, rather than in criticism of, the present Federal officials charged with its execution. It seems to me that both the Federal Commissioner of Labor and the chairman of the Interstate Commerce Commission are so thoroughly and completely engrossed with other important and often imperative administrative duties that they (not the present individuals, but the officials referred to) should be relieved of the administration of this law, and other agencies provided. I also believe the principle of permissive or positive investigation should be incorporated into the law and that the present avenue for appeal by either party should be retained as well. This would eliminate the possible contention as to the right or jurisdiction of government to intervene, without taking away any relief now afforded to the contestants and, which is perhaps of more importance, permit the governmental agency to determine when intervention or investigation was advisable or necessary.

Another and, in so far as it can have practical application, perhaps the most important phase of the whole subject is prevention of strikes and lockouts. At times this looks to be an impossible proposition, but when we stop to think of the many ramifications of human existence which in the past were admittedly or at least negatively impossible of correction, which time and education have solved, we are encouraged to renewed effort, firm in the belief that human character is being continually elevated and purified and that our constantly enlarging and improving educational facilities must and will aid materially in the substitution of right for might, reason for force, and conciliation coupled with arbitration for strikes and lockouts. Summed up in that potent phrase, "Let us reason together." We said in substance in our 1901 report to the New York State Legislature: "A somewhat new development is being manifested in our industrial life by the creation and organization of associations of employers. * * * If the dual organizations of employers and employees realize and recognize their interests in and dependence on each other and each within its proper sphere gives consideration to the claims or contentions of the other, good rather than evil must result. * * * It goes without saying that practically all employers in a given locality engaged in the same general avenue of industry are natural competitors and in a position to grant practically the same terms and conditions of employment, which must have the effect of eliminating the labor cost as a factor in competition. Therefore agencies through which uniform terms and conditions of employment can be established in competitive industry are more just and feasible than the enactment of separate bargains by separate employers and individual employees or separate groups of employees. We know of no vehicle through which this can be accomplished except that of the trade agreement."

I can see no reason to vary one iota from the text as then written on the subject of providing the most reasonable expedient now at hand for a clear and comprehensive understanding between the organized forces of capital and labor. It is nevertheless a fact that many strikes have occurred as a result of the single contention "whether or not an existing trade agreement should be renewed." We have met this situation by urging parties to such agreements to inaugurate a specific provision in all new agreements and old ones renewed, providing that "this agreement shall be in full force and effect from ——— (date) to ——— (date) and thereafter until either of the parties shall have given the other ——— (number) days' notice in writing of their intention to terminate the same, and that nothing contained herein shall be construed to prevent either party from proposing any amendment to take effect at any time after the original period designated." The effect is to provide a continuous agreement which can easily be terminated and at the same time give ample opportunity for discussion and amendment. Our experience justifies the contention that this provision is assisting materially in preventing strikes and should be generally recommended.

Other practical suggestions or recommendations made by the bureau are set forth in the following exhibits or correspondence, copies of which were mailed to the executive officers of all associations of both employers and employees in the State of New York of which we had knowledge:

(1)

DEAR SIR: The experience of this bureau has been, and continues to be, that local agencies or boards of conciliation, mediation, or arbitration are more feasible and effective than general or State boards in the adjustment of indus-

trial disputes, and especially in their prevention. Therefore, it is our intention and desire to, so far as possible, promote and encourage the formation of such boards or agencies in every industrial locality of our State, and to give them all the assistance and cooperation possible.

We realize that it is difficult to secure interest in a subject of this character during a period of industrial peace, and practically impossible during a period of industrial war.

Study observation, and practical experience have, in our judgment, demonstrated the fact that trade agreements or collective bargaining has proven the most effective method of preventing interruptions of industries in the form of strikes or lockouts. Notwithstanding the application of this principle, many apparently unnecessary strikes and lockouts still occur which would be avoided if some method of procedure could be imposed which would (by moral obligation at least) require the application of the principle of conciliation, mediation, or arbitration. With this object in view, the bureau is now endeavoring to provide some equitable method or agency of a local character which will meet this condition. In order that this suggestion be put in successful operation, the cooperation of every organization and individual interested is necessary and is earnestly requested.

A copy of this letter is being sent to all local organized bodies of employers and central councils of labor organizations, as well as to individuals, who our records show have displayed interest in the industrial situation, the object being to invite plans or suggestions which may be utilized in preparing some general plan which it is hoped may meet the general or local requirements. A full discussion is invited, and the courtesy of a reply embodying your views is requested.

This bureau will cheerfully furnish any information or data in its possession, or if desired, submit a general scheme or plan covering the proposition referred to. We wish to emphasize the fact that there is no intention or desire to interfere in any way in localities where agencies or boards herein referred to now exist, but rather to, so far as possible, cooperate with and assist them.

Very truly, yours,

JOHN LUNDRIGAN.

(2)

The accompanying plan or synopsis of a plan for the establishment of local boards of conciliation and arbitration is presented as the result of many requests from various industrial organizations throughout our State. We do not consider it as perfect, or as a whole applicable to every condition or locality. We do, however, believe that any plan based on these general lines will prevent many strikes and lockouts that now occur solely because there has been little or not any discussion of the question at issue. We desire to again mention the fact that there is no desire or intention on our part to interfere with existing plans which are working satisfactorily. Our sole purpose is to assist in providing some method by which satisfactory relations may be established between employers and employees without resort to strikes and lockouts, and the resultant loss and inconvenience to the parties to the strike and to the general public.

We invite suggestions and criticisms, and recommend that where advisable or necessary the plan be changed to conform to local conditions. The bureau will be pleased to cooperate in this or any other matter having for its object industrial peace.

Very truly, yours,

JOHN LUNDRIGAN,

Member of Board of Mediation and Arbitration.

(3)

TENTATIVE PLAN FOR LOCAL BOARDS OF CONCILIATION AND ARBITRATION OF INDUSTRIAL DISPUTES SUGGESTED BY NEW YORK STATE BUREAU OF MEDIATION AND ARBITRATION.

So far as possible all organizations of both employers and employees now existing or to be formed in any trade or industry should come together and enter into a general agreement, which shall provide that no organization nor

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any of its members shall engage in strike or lockout until any dispute affecting either of them shall have been subjected to mediation, conciliation, or arbitration, as hereinafter provided:

1. Each separate organization of employers and employees shall annually or semiannually elect two of its members to serve on a board to be known as the conciliation and arbitration board for such industry or trade within the local territory over which the organized parties to this agreement have jurisdiction, who shall serve until their successors are elected and qualify, except as hereinafter provided.

2. The members so elected shall forthwith meet in joint session and organize as the board of conciliation and arbitration for the industry or trade they represent by electing a president and secretary (one of whom shall be from the employers' and one from the employees' organization) and such other officers as they may deem necessary, and shall designate time and place of meeting, etc.

3. It is mutually agreed that disputes or disagreements which may hereafter arise affecting agreements or relations between employers and employees in this industry or trade which can not be settled satisfactorily by the parties directly interested shall be referred to the board provided for and established by this agreement. The parties or organization who originated the dispute shall submit it in writing and addressed to the chairman of the board, setting forth all of the facts, claims, or contentions relating thereto.

4. Whenever a dispute or contention is referred to or submitted to the board the chairman shall appoint a meeting of the board to be held within 10 days from the date of receipt of written statement of such dispute, of which all members of the board shall be notified. Should any member be unable to attend, or should the matter in dispute affect him personally other than as a member of his organization, such organization shall designate another of its members to act in his place for the disposition of that particular dispute only.

5. The board shall have full power to investigate and determine any contention or dispute referred to it, and any decision arrived at by a majority of its members shall be final and binding on the parties to this agreement.

6. Should the board be unable to reach an agreement within 15 days after a complaint has been referred to it, they shall proceed (unless requested in writing) by both parties to the dispute to continue their efforts to reach an agreement) forthwith to select an umpire, to whom the whole subject matter shall be referred, the members of the board to have the right to act as counsel for the interests they represent.

7. Unless granted further time by a majority vote of the board, the umpire shall be required to furnish a decision within 20 days from the date of the submission of the dispute to him, such decision to be final and binding on all parties to the dispute.

8. Should the board fail to agree on the selection of an umpire within 20 days after the date on which the dispute was originally referred to them, it is agreed that the county judge for the county in which the parties to the dispute maintain their official residences shall designate the umpire.

Many commendations of this effort were received and we are firmly convinced that the general effect tended to more harmonious and stable industrial conditions in our State.

The policy of the New York State Bureau of Arbitration in dealing with this subject is so clear that he who runs may read. We enter into no defense of our position or policy, neither do we apologize for anything connected with our treatment of this subject except our own personal limitations. Since the establishment of the present bureau in 1901, all of the energy and effort at our command have been directed toward seeking to conserve honorable industrial peace between employer and employee. At no time during that period have we been able to see how this could be generally accomplished except through the medium of mutual understandings between the employers and employee. The only sane method of which we are yet aware is what is usually termed mutual bargaining or trade agreements, coupled with provisions for local or other arbitration of questions which can not be mutually decided or that arise outside of such agreements. We have proceeded on the theory that as a general proposition the most lasting and satisfactory industrial peace can be secured through agreements made by the parties at first interest and we have stood ready to furnish such data, advice, or information as we were possessed of to either or both parties. On the other hand, where there has been a continued interruption of industry causing not only loss and inconvenience to the parties directly involved but to the general public as well, we have not hesitated to

place the responsibility where it appeared to us to rightly lie and in the case of serious interruption of public utilities or practical public service corporations to go so far as to suggest the possible necessity of compulsory settlement.

Public officials or others engaged in an honest effort to promote industrial peace along the foregoing lines need not expect either consideration, support, or sympathy from those who believe in the right of might. We see men who appear to be intelligent on most subjects insisting on the right of their interests to consolidate and amalgamate and absolutely denying such right to the other fellow; men decrying paternalism and contending for the absolute right to dictate the conditions under which other men shall live. We prefer to look at the whole subject of our industrial life from the viewpoint that its development has been so wonderfully vast and rapid that many of its important ramifications have been at least partially neglected, the bad effects of which are becoming more patent and for which remedies must and will be provided. Organization is here, both of capital and labor, and here to stay. There are, no doubt, many ramifications of organization, corporate and otherwise, capital and labor, that are harmful and even wrong. Let us seek to cure the evil instead of undertaking to kill the principle.

It seems a pretty good proposition to subscribe to that government is greater than any of its creations, whether they be citizen or corporation, and, it might as well be said, greater and more important than any of its subdivisions; and I believe that government will eventually find a way to dispose of this question in such a manner as to operate for the general good, even if it is necessary to interfere with some of the so-called existing rights of individual citizens, corporations, organizations, or even subdivisions of government. This can not and should not be accomplished until we find out just what the trouble consists of and as nearly as possible what will be an adequate remedy, based on humanity, reason, and order.

Finally, and I am taking up what I consider the most important subject last so that it may not be lost in the maze of what has gone before, I am very strongly of the opinion that this conference should take the necessary action to perpetuate the work which caused its inception. There are several ways in which this could be accomplished, two of which are either by merger with the existing association of labor commissioners or the formation of a permanent organization of public agencies dealing with this single subject. While I have no pride of opinion as to what particular method should be adopted, I am thoroughly convinced that there should be a permanent forum, devoted to discussion and instruction on this subject, and I am even optimistic enough to hope that some day it may include those delegated to represent directly the interests of the employers and employees, all striving to conserve the general good through mutual understandings based on humanity, reason, and order.

MEMO.—The New York bureau has provided, for the information of this conference and its committee on uniform methods, copies of the several blank forms now used in our routine work, and at the proper time I will be pleased to explain their workings in detail to either the conference or the committee or both.

MEN'S GARMENT TRADES OF NEW YORK CITY

(For exhibits under this subject, see pages 2048 to 2050.)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, *June 4, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, O'Connell, Garretson, and Harriman; Counsel W. O. Thompson.

TESTIMONY OF MISS LILLIAN B. WALD.

MR. THOMPSON. Miss Wald, will you kindly give your name, your address, and your occupation?

MISS WALD. My name is Lillian B. Wald; I reside at 265 Henry Street, New York City.

MR. THOMPSON. I believe that you are the organizer or superintendent or carrier on of the Henry Street Settlement?

MISS WALD. I am all; yes, sir; in a measure.

MR. THOMPSON. In the work that you have done there, and the work that you have carried on there, by nurses and others, have you come in contact with that species of tailoring work which is called home work, and its effect on women and children who engage in it?

MISS WALD. I have come in contact in several relationships; first, that I have lived for nearly 21 years in the regions where home work is carried on extensively; that I am the head resident of a settlement, which includes in its work a great deal of home visiting by trained nurses. Last year the staff paid 200,000 visits upon the sick in their homes, and also because of my connection with the New York State Child Labor Committee, and I have participated to some extent in numerous investigations of home work in this particular industry.

MR. THOMPSON. And, from that work, Miss Wald, have you found the condition under which this work is carried on and its effect generally on the women and children engaged in it?

MISS WALD. Do you wish me to speak somewhat generally?

MR. THOMPSON. You may speak generally, if you wish.

MISS WALD. When I first became acquainted with the home life of people in the sections of the city that we are considering to-day, the effect of home work on the family life seemed exceedingly serious, even to an inexperienced observer. All kinds of manufacturing was done at that time. Women's clothing, suits and cloaks, children's, men's clothing—some of these manufactures have been abolished in the tenement houses, entirely to the advantage of the trade, the workers in the trade, the women and children, and the home conditions of the people.

The men's trade that I infer you wish me to discuss more particularly to-day has persisted, much to our regret. If you wish me to go into the results more particularly, the reasons why we think it bad, I will try to be more definite.

MR. THOMPSON. I wish you would.

MISS WALD. First, many people believe that it is only the cheap clothing that is made in the tenement houses. That is not true. Quite expensive custom work is carried home. A great deal of the finishing of the children's garments—knee pants, for instance—is carried home. Home work promotes congestion. Around some of the establishments in the lower part of the city a great number of people live because it is near to the employers and they can carry the work back more easily.

It is particularly serious because there is no regulation, no possibility of supervising work in the tenement houses. Year by year the importance of protecting children in the factories has been accentuated, but there is no possibility of doing so in the home. There is bound to be overwork; there is foot power, of course, for everything that is done in the homes. There is quite serious danger of infection. We have presented many times—and I could again

to-day, by illustration—the danger in this respect to the community because of the work in the homes where there have been infectious diseases. It would be very obvious, indeed, if children suffering from chicken pox, measles, scarlet fever, or women in advanced stages of tuberculosis were working upon garments which would later be taken into the homes and worn by children—it is not known when that work is done in the homes, but these sick people do work there. We dislike home work, particularly for the children, because it means many hours of work. Work after school hours, work in the early morning, promotes truancy. Because when work is done at home it is to the interest of the people who employ and those who need the wage to put all the pressure possible upon the family to get it done as quickly as possible.

The study that was made some time ago of the effect of home work on truancy showed it to be a particularly subtle form, because it was not the absence from school of the workers for a week or two weeks at a time, but one day at home and then alternating a day at school, etc. That is true of all work that is done in the homes.

The recent legislature in New York State prohibited the manufacturing of foodstuffs and toys and infants' garments, but there is no difference. It is not possible to supervise; it is not possible to say that in a home a child under 14 shall not work. It would necessitate placing an inspector in every licensed tenement house and many unlicensed tenement houses in New York.

To sum up, I should say, from such experience and opportunities for observation that I have had, that tenement-house work should be abolished. If you get well-meaning factory inspectors or commissioners, the inspections would increase, but it would still be bad, because it promotes secrecy. Anyone walking along Elizabeth Street with an inspector would soon see that everyone is warned that the inspector is on the street. The more rigid the inspection the more ingenuity there is in hiding things under the beds or under the bedcovers. I think there is no compromise.

I say with as much emphasis as I can that all tenement-house work should be abolished.

I have brought some pictures, if you wish them.

Mr. THOMPSON. Will you leave them with the commission, please?

Miss WALD. I will be glad to.

Mr. THOMPSON. How do you believe this condition could be stopped—by a State law?

Miss WALD. Oh, yes; I should have a rigid State law abolishing the manufacturing in tenement houses.

Mr. THOMPSON. Would you say that the passage of a law abolishing the manufacturing of those goods in tenement houses would have a tendency to compel those industries to move outside the State of New York?

Miss WALD. I think that is of no consequence whatever. If the trade in New York City is dependent upon the exploitation of women and children, it is a parasitic trade. I should say it would be very wholesome for the city to have it move out, and I personally would see no harm—rather a benefit and advantage.

Mr. THOMPSON. In other garment trades here—for instance, the cloak trade—home work has almost ceased, has it not?

Miss WALD. It has somewhat.

Mr. THOMPSON. Has that resulted in driving the trade from New York City?

Miss WALD. I don't think so. I think that trade is very prosperous in the city, and nobody has suffered. I think the homes have gained. We used to see cloaks made in rooms where there was scarlet fever, because you must know that all those things are made in the living and sleeping rooms of the people. It was not uncommon to see women's cloaks thrown over sick people. I remember once consenting a lot of stuff—women's cloaks that were used to cover a scarlet-fever patient. That is not possible now, because the trade-unions themselves are so well organized that I think that, under the agreements with the manufacturers, it would be impossible to send such garments into the tenement houses.

Mr. THOMPSON. There is a great deal of what is called inside men's clothing manufactured in this city, is there not?

Miss WALD. Yes, sir; a great deal.

Mr. THOMPSON. That is not subject to these objections?

Miss WALD. Of course, my objection to it is that there are, incidentally, the finishings in the tenement houses, the pulling of the basting threads, fixing of the pockets, and so forth.

Mr. THOMPSON. That is given out to the inside shops?

Miss WALD. From the factories and shops into the tenement houses. I have somewhere the statistics, but there has been a very comprehensive investigation by the Federal Government into the condition of women and children, all of which we agree with and some of which we were able to inquire into. That is not at all exaggerated; it is accurate.

Mr. THOMPSON. That is one of the bulletins of the Department of Labor?

Miss WALD. No, sir. That is the investigation into the condition of women and children.

Mr. THOMPSON. That is part of it?

Miss WALD. Yes, sir.

Mr. THOMPSON. Have you anything further, Miss Wald, that you would like to say in connection with this subject?

Miss WALD. Of course I should like to dwell upon the exploitation of the children, and perhaps one or two instances will make that clear.

Mr. THOMPSON. You may give them.

Miss WALD. We have some pictures—I don't know whether they are in this group—of the very little children who are at work, and pictures taken at night.

We had one instance of a little child who was sent home from the preventorium for tuberculous children. She lived in a very poor house, two rooms, on the lower East Side. We had the greatest difficulty, practically found it impossible, to get the father's consent to take the child to the day camp for tuberculosis, because she was working on knee pants. She was unfit to work at all, but she worked all day long in a very dark tenement house. Her mother was a hunchback and worked with her. The nurses frequently bring in stories of children who want to go out and play.

There was one little child whose story I have told before, who was reported as a defective because she fell asleep at school and seemed dull at all times. The child was 8 years old, and was put in the defective class of the public school. But the child was not defective; she worked so late at night and so early in the morning that when she got to school she fell asleep.

Mr. THOMPSON. She was 8 years old?

Miss WALD. Eight years old; yes, sir. I could multiply those instances and, perhaps, show the pictures.

Mr. THOMPSON. These pictures are taken in the homes?

Miss WALD. These pictures are all taken in the homes and may be left here for your record.

Mr. THOMPSON. That is all, Mr. Chairman.

(The photographs were received and marked "Wald Exhibits 1 to 11.")

The above exhibits are not printed.)

Chairman WALSH. How do you conclude, Miss Wald, please, that the making of cloaks in tenement houses was stamped out?

Miss WALD. Well, I conclude because the suit and cloak trades-unions objected.

Chairman WALSH. By what means do you conclude that was brought about?

Miss WALD. I believe that that has been brought about because of the control of the trade through the trades-unions that finally culminated in the protocol.

Chairman WALSH. Are there any city ordinances on the subject?

Miss WALD. No, sir; I think there is no city ordinance.

Chairman WALSH. Or any State law limiting it?

Miss WALD. No, sir. The present State law definitely prohibits three classes that I have mentioned. There were 41 specified trades that could be manufactured in the home. Under the law that operated until this October there were specific articles that were permitted to be manufactured. Now nothing can be manufactured in the tenement houses unless the house itself is licensed, and those three things are specifically prohibited.

Chairman WALSH. Have you any suggestion as to anything that could be done, outside of a drastic law, to cause them to cease making men's garments, as they did women's cloaks, other than the agreements between the employers and the employees themselves not to do so?

Miss WALD. I should say, a drastic law.

Chairman WALSH. Was the only thing?

Miss WALD. Yes, sir; was the only thing to prohibit it.

Chairman WALSH. Are these garments that are made in the tenement houses shipped out of New York?

Miss WALD. Yes, sir.

Chairman WALSH. To a great extent?

Miss WALD. They are shipped out of New York to a very great extent.

Chairman WALSH. All over the United States?

Miss WALD. All over the United States.

Chairman WALSH. Are such industries carried on in tenement houses and places adjacent to New York, such as Jersey City and Newark and those places?

Miss WALD. I think not to any great extent.

Chairman WALSH. You think it is all confined to the city of New York?

Miss WALD. It was formerly confined to one part of the city and to a large extent to work from the shops near by, but it is spreading into other parts of the city.

Chairman WALSH. That is all. Have you any questions, Mr. Harriman?

Commissioner HARRIMAN. I want to ask you one question. How directly related do you think the clothing trade in Cleveland and in Philadelphia and other places is to New York? I mean, what connection there is between the manufacturers of clothing in those cities with New York?

Miss WALD. I think I could not answer. There must be some trade competition between them; but there are, of course, suspicions of combinations, about which I would not be competent to speak.

Commissioner HARRIMAN. I mean, for instance, in the strike this winter in Philadelphia; wasn't it supposed that their orders were sent over to New York and shipped out?

Miss WALD. Yes.

Commissioner HARRIMAN. You have no definite information about that?

Miss WALD. I have no exact data upon that. Of course, that was the general suspicion, and I remember at one time when there was a very serious strike in Boston, and the Boston public sentiment wholly favored the contentions of the working people, that the manufacturers at that time did send in to New York to have their orders carried out.

Commissioner LENNON. Apparently, from your testimony, collective bargaining between the unions and the employees organizations has been more effective than the law in abolishing home work?

Miss WALD. I should say in the instance of the cloak and suit trade that it had been more effective; but we have never had any law in New York State completely abolishing home work, and the conditions of home work—the hours in which it is performed—makes enforcement of such laws as we have had literally impossible.

Commissioner LENNON. Would you or would your friends undertake to submit to this commission the form of a law or the outline of a form of the law which you believe could be made effective to prevent home work?

Miss WALD. We would be glad to, but I think we would like to begin by saying that we would have none at all. I am quite sure that conditions do not admit of any compromise on that point.

Commissioner LENNON. I don't want any compromise. I lived many years in New York and I have been through the whole mill. I have studied the question and been to the houses.

Miss WALD. And, of course, you know the situation.

Commissioner LENNON. I can't see how a law can apply in all cases. That is what always bothered me, how to make a law to apply in all cases.

Miss WALD. It can't in this situation, can it?

Commissioner LENNON. Would you favor the passage of a law by Congress prohibiting the interstate shipment of products of the home workers, or tenement-house worker? That is being proposed, regarding the employment of children, isn't it?

Miss WALD. Yes; I know that proposal for children. Mr. Commissioner, I should like to have the experiment made with the products of children's work first, and create the machinery for enforcing it, and then include the home industries, because I presume it would be much more effective, since the children and the women and the home ought to be preserved everywhere in the United States. I am not only interested in New York; I am interested in improving conditions anywhere.

Commissioner LENNON. I think that is all.

Chairman WALSH. Thank you, Miss Wald.

TESTIMONY OF MR. JOSEPH SCHLOSSBERG.

Mr. THOMPSON. Mr. Schlossberg, will you give us your name, your address, and the position you occupy?

Mr. SCHLOSSBERG. Joseph Schlossberg, 79 Delancey Street, secretary and treasurer of the joint board of the United Brotherhood of Tailors.

Mr. THOMPSON. How long have you been secretary of that joint board?

Chairman WALSH. I did not catch that.

Mr. SCHLOSSBERG. United Brotherhood of Tailors.

Mr. THOMPSON. Speak up loud so Commissioner O'Connell can hear you over here [indicating].

Mr. SCHLOSSBERG. I have been secretary since last July.

Mr. THOMPSON. How long have you been a member of that organization?

Mr. SCHLOSSBERG. Since that time.

Mr. THOMPSON. How long have you been a member of the union in New York?

Mr. SCHLOSSBERG. Since that time.

Mr. THOMPSON. Has your organization had a contract with the East Side Retail Clothing Manufacturers' Association?

Mr. SCHLOSSBERG. We had a contract with them that was made between the association and the national officers. That contract expired last February. The contract has not been renewed except upon the understanding that we work under the same conditions.

Mr. THOMPSON. Briefly, what did that contract provide? What machinery did it provide for the adjustment of grievances, if any?

Mr. SCHLOSSBERG. That committee representing both parties meet for deciding disputes.

Mr. THOMPSON. How large was that committee?

Mr. SCHLOSSBERG. Well, there was no particular number prescribed.

Mr. THOMPSON. Was there any board of arbitration under it?

Mr. SCHLOSSBERG. Well, if my recollection is right, I think it provides for a board of arbitration, but we always act direct; representatives of the union meet representatives of the association and dispose of disputes.

Mr. THOMPSON. Have you got a copy of that agreement?

Mr. SCHLOSSBERG. No; I haven't with me. It was not made with my local organization; it was made between the association and the national officers.

Mr. THOMPSON. Then the copy of that agreement would be in the hands of the national officers?

Mr. SCHLOSSBERG. Yes.

Mr. THOMPSON. How is that agreement, successful, in your opinion?

Mr. SCHLOSSBERG. Yes.

Mr. THOMPSON. It was?

Mr. SCHLOSSBERG. Yes.

Mr. THOMPSON. In your position as secretary and from your interest in the garment trade have you made any investigation of the condition in shops and the evils in the men's garment trades in this city?

Mr. SCHLOSSBERG. Personally?

Mr. THOMPSON. Yes.

Mr. SCHLOSSBERG. No.

Mr. THOMPSON. Well, do you know from your position and from your talk with others on the conditions in the trade?

Mr. SCHLOSSBERG. Yes.

Mr. THOMPSON. For instance, take the question of tenement-house work, home work, subcontracting, and the sanitary conditions, etc. You might state.

Mr. SCHLOSSBERG. Subcontracting has been abolished since the end of the last big strike in 1913.

Mr. THOMPSON. How was it abolished?

Mr. SCHLOSSBERG. By—

Mr. THOMPSON (interrupting). As a result of the strike?

Mr. SCHLOSSBERG. By the strike.

Mr. THOMPSON. State what you know about home work and tenement work.

Mr. SCHLOSSBERG. Home work has been abolished except the work that is being done by Italian women. They take garments from the shops home. Home work has been abolished in the sense that it used to be taken home as overtime work. That has been done away with, but there are quite a number of Italian women who can not go to the shop, that have families to take care of, and they take work home. That still exists.

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Mr. THOMPSON. When you speak of shops, do you mean contractors' shops, or these large manufacturers?

Mr. SCHLOSSBERG. It is largely inside shopwork.

Mr. THOMPSON. The large manufacturers?

Mr. SCHLOSSBERG. Yes; large manufacturers.

Mr. THOMPSON. Name them, if you can speak of them by name?

Mr. SCHLOSSBERG. Well, I can't think of any particular name, but I remember in this connection, the name of the Benjamin factory.

Mr. THOMPSON. Well, if those names don't come readily, you need not try to remember.

Mr. SCHLOSSBERG. No; they don't.

Mr. THOMPSON. I wish you would contrast the conditions of work between contractors' shops and the so-called inside shops.

Mr. SCHLOSSBERG. What conditions? The conditions—

Mr. THOMPSON (interrupting). The conditions of work, working conditions, sanitary conditions of the shop, the wages and hours, and the relations of the unions to both?

Mr. SCHLOSSBERG. The sanitary conditions are better in the inside shops than they are in the outside shops, and the union—

Mr. THOMPSON (interrupting). By outside shops you mean contractors' shops?

Mr. SCHLOSSBERG. Contract shops, of course.

Mr. THOMPSON. Inside shops, you mean these—

Mr. SCHLOSSBERG (interrupting). Manufacturers. The union has not been in a position to do very much along these lines so far since the last strike, but we do expect that with the aid of the law that is going into effect July 1 that we might be able to take that work up, and especially so since the union is establishing itself now on a firmer basis.

Mr. THOMPSON. What is the difference, if you know, in wages between the two shops, the two classes?

Mr. SCHLOSSBERG. Well, the wages are higher in the contractors' shops.

Mr. THOMPSON. What are the hours, if you know?

Mr. SCHLOSSBERG. In the contractors' shops, 50. The wages and hours in the contractors' shops are all regulated by the union.

Mr. THOMPSON. What are the hours, if you know?

Mr. SCHLOSSBERG. In the contractors' shops, 50 hours. The wages and hours in contractors' shops are all regulated by the union.

Mr. THOMPSON. Do you know what the hours are, if there are any uniform hours, in the inside shops?

Mr. SCHLOSSBERG. They are 50 and 52 hours.

Mr. THOMPSON. Is most of this work done by piecework, or on the weekly wage basis?

Mr. SCHLOSSBERG. In contractors' shops, week work only; and inside shops, both systems.

Mr. THOMPSON. What, if you know, is the rule in the contractors' shops? If any, with reference to fines, rent of machines, and power?

Mr. SCHLOSSBERG. There are no fines.

Mr. THOMPSON. And deposits and sale of defective goods?

Mr. SCHLOSSBERG. No; there are none.

Mr. THOMPSON. Do you know any other shops in which those things existed?

Mr. SCHLOSSBERG. No.

Mr. THOMPSON. Is there any insecurity in the matter of collecting wages on the part of workers from contracting shops?

Mr. SCHLOSSBERG. There is.

Mr. THOMPSON. Is that general, and what is the reason for it, if you know?

Mr. SCHLOSSBERG. The reason for it is that the small contractor is financially unreliable and has nothing to lose by taking the week's pay of his men and running away with it.

Mr. THOMPSON. And does that occur?

Mr. SCHLOSSBERG. It occurs once in a while.

Mr. THOMPSON. In regard to the question of seasonal employment—the garment trade is a seasonal trade, is it not?

Mr. SCHLOSSBERG. It is.

Mr. THOMPSON. What are the seasons, and about how long do they last in the year?

Mr. SCHLOSSBERG. The fall season will last, approximately, from June 1 to about October 1.

- Mr. THOMPSON. That is, manufacturing fall goods?
- Mr. SCHLOSSBERG. Yes, sir. The spring season from about February to March; no; I would say from about December to March.
- Mr. THOMPSON. And makes about eight months?
- Mr. SCHLOSSBERG. About eight months.
- Mr. THOMPSON. Have there been any attempts made to change that seasonal occupation and to dovetail in with the manufacture of others goods in the men's garment trades, if you know?
- Mr. SCHLOSSBERG. No; not that I know of.
- Mr. THOMPSON. Where does the supply of labor usually come from that is used in men's garment trades in New York? Is it immigrant labor—new labor—and is it supplied, if you know, adequate to the men, or is there an oversupply of labor?
- Mr. SCHLOSSBERG. Immigrant labor.
- Mr. THOMPSON. What's the nationality, mostly?
- Mr. SCHLOSSBERG. Hebrews, mostly.
- Mr. THOMPSON. And what other?
- Mr. SCHLOSSBERG. Italians; and then there are small numbers of Poles and Russians.
- Mr. THOMPSON. But the Hebrews and the Italians comprise a very large majority of the trade?
- Mr. SCHLOSSBERG. Yes.
- Mr. THOMPSON. What is the advantage of the contracting system to the workers?
- Mr. SCHLOSSBERG. No advantage at all; but it is a disadvantage.
- Mr. THOMPSON. What are its disadvantages?
- Mr. SCHLOSSBERG. The disadvantages are that the small contractor is very often financially unable to have a sanitary shop; and also, as I stated, being financially irresponsible, his employees are not safe as to their wages.
- Mr. THOMPSON. How about the question of speeding up?
- Mr. SCHLOSSBERG. That has been very much done away with; but it used to exist to a large extent before.
- Mr. THOMPSON. How about State or city inspection of these small contracting shops. Is it effective or not?
- Mr. SCHLOSSBERG. No; it did not seem to affect it very much until the union came in.
- Mr. THOMPSON. About how many people are there engaged in the manufacture of men's clothing in New York City, if you know?
- Mr. SCHLOSSBERG. No; I can not tell for the entire industry.
- Mr. THOMPSON. Well, about how many do you think are engaged in it?
- Mr. SCHLOSSBERG. About 100,000.
- Mr. THOMPSON. How many people are there in your union—the United Garment Workers?
- Mr. SCHLOSSBERG. In the entire industry or in the organization that I represent?
- Mr. THOMPSON. In the entire industry here?
- Mr. SCHLOSSBERG. I can not answer that.
- Mr. THOMPSON. In your own organization?
- Mr. SCHLOSSBERG. Forty thousand; over 40,000.
- Mr. THOMPSON. That is all, Mr. Chairman.
- Chairman WALSH. Do you want to ask any questions, Mrs. Harriman?
- Commissioner HARRIMAN. No; I thank you.
- Chairman WALSH. Or you, Mr. Lennon?
- Commissioner LENNON. You spoke of Italian women taking work to their homes. Do they get this work from union shops or nonunion shops?
- Mr. SCHLOSSBERG. Get it from both.
- Commissioner LENNON. Why is it that the unions can not exert their power or influence to prevent this work going home?
- Mr. SCHLOSSBERG. We have not, as yet, been in position to take up that part of the industry, or that problem, particularly. Some of our local unions have been in existence for quite a number of years, but it has only been since last March when that strike was settled that the organization really became effective; and the time has been too short for taking up all problems that confront the organization.
- Commissioner LENNON. Does your union prohibit children under legal age working in the tenement houses or in the shops?

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Mr. SCHLOSSBERG. Well, we do not admit children under legal age to our organization; and in the shops that we control a nonunion member can not work.

Commissioner LENNON. You don't permit them in shops where the union controls? What effect do you believe that the contractors have upon wages?

Mr. SCHLOSSBERG. The contractors?

Commissioner LENNON. Yes; what effect do the contractors have upon the wages of the union men that are working generally in the city?

Mr. SCHLOSSBERG. Without the influence of the organization the effect of the contracting system would be to reduce wages.

Commissioner LENNON. Do the contractors, in any case, belong to the union?

Mr. SCHLOSSBERG. No.

Commissioner LENNON. You have stopped that. You say you think there are 100,000 of these people working at men's trade in the city of Greater New York?

Mr. SCHLOSSBERG. That is my impression.

Commissioner LENNON. Is that a greater number than there was a few years ago?

Mr. SCHLOSSBERG. Yes; the number is constantly increasing.

Commissioner LENNON. Isn't it possible for the people who work in men's trade to transfer and work in the ladies' trade?

Mr. SCHLOSSBERG. Well, it is for some of them; those who understand how to make a complete garment. They might be able to work in other branches of the tailoring industry; but the men's clothing industry has been subdivided into many sections, and a great many of the people don't know more than how to make a certain section or a certain part of the garment.

Commissioner LENNON. That is all.

Commissioner O'CONNELL. Are there any independent organizations among the tailors not affiliated with the international?

Mr. SCHLOSSBERG. There is another international body, the industrial tailors' union; but—

Commissioner O'CONNELL (interrupting). Industrial tailors' union, what are they?

Mr. SCHLOSSBERG. Well, they are confined largely to custom tailoring work; they do not enter our field, but in our own field there is no other organization.

Commissioner O'CONNELL. How long did you say you had been associated with your organization?

Mr. SCHLOSSBERG. Since July of last year.

Commissioner O'CONNELL. What were you doing before that?

Mr. SCHLOSSBERG. I was doing editorial work.

Commissioner O'CONNELL. You were on the Weekly People?

Mr. SCHLOSSBERG. No.

Commissioner O'CONNELL. Were you connected with the Weekly People for some time?

Mr. SCHLOSSBERG. Yes; for a time I was.

Commissioner O'CONNELL. Did you aid in the last garment workers' strike in any way?

Mr. SCHLOSSBERG. No—except that I addressed a meeting when I had an opportunity.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. That is all, Mr. Schlossberg.

Call your next, Mr. Thompson.

Mr. THOMPSON. Mr. Goldman.

TESTIMONY OF MR. WILLIAM GOLDMAN.

Mr. THOMPSON. Mr. Goldman, will you give us your name?

Mr. GOLDMAN. William Goldman, 694 Broadway.

Mr. THOMPSON. And your business?

Mr. GOLDMAN. Clothing manufacturer.

Mr. THOMPSON. What firm?

Mr. GOLDMAN. Cohen, Goldman & Co.

Mr. THOMPSON. How long have you been engaged in the manufacture of clothing in this city?

Mr. GOLDMAN. Twenty-five years.

Mr. THOMPSON. Are you president of the New York Clothiers' Association?

Mr. GOLDMAN. No, sir; I am not.

Mr. THOMPSON. Have you any official connection with that company?
 Mr. GOLDMAN. There is no such organization.
 Mr. THOMPSON. There is no such organization?
 Mr. GOLDMAN. No, sir.
 Mr. THOMPSON. Was there such an organization?
 Mr. GOLDMAN. No, sir. I will set you right. I have been the president of the National Association of Clothiers.
 Mr. THOMPSON. Is that purely a New York proposition?
 Mr. GOLDMAN. No, sir; that is national. I am no longer president, but I am a member of what is known as the New York Clothing Trade Association.
 Mr. THOMPSON. Have you any official connection with it?
 Mr. GOLDMAN. I have not, with the exception that I am on the executive committee.
 Mr. THOMPSON. How long has that organization been in existence, about?
 Mr. GOLDMAN. Eleven years.
 Mr. THOMPSON. How many firms are now members of it?
 Mr. GOLDMAN. About 17.
 Mr. THOMPSON. Could you furnish us with a list of the names of those 17 firms?
 Mr. GOLDMAN. I can, but I haven't it with me.
 Mr. THOMPSON. Will you please do that?
 Mr. GOLDMAN. Yes, sir.
 (The list referred to is as follows:)

NEW YORK CLOTHING TRADE ASSOCIATION.

Alfred Benjamin-Washington Co.	Henry Penvy & Co.
Berger, Raphael & Wife.	Samuel W. Peck & Co.
Cohen, Goldman & Co.	Present & Co.
Hedelberg, Wolff & Co.	B. Stern & Son.
Hornthal, Benjamin & Klein.	Joseph Yoska.
Korrmann, Cohen & Ettlinger.	Hays, Levi & Co.
H. Kuhn & Sons (Inc.).	Nedwell-Taylor Co.
Lange & Walsh Manufacturing Co.	Fruhauf Bros.
M. & W. Naumburg & Co.	David Marks & Sons (Inc.).

Mr. THOMPSON. Are those firms, generally, the firms that are called inside shops, or clothing factories?

Mr. GOLDMAN. Yes, sir; largely those houses that principally manufacture their goods in their inside shops.

Mr. THOMPSON. What is the purpose, Mr. Goldman, of this organization you speak of?

Mr. GOLDMAN. This organization was formed for the purpose of getting into one organization those firms which it was thought could support the best standards in the industry—the best working conditions. One of the first acts of this new body was to establish the 48-hour working week in the cutting department. The hours, then, were generally longer. That has limited the membership very materially of the new organization, because there were a good many firms that did not care to join because of that fact. The organization is an organization that is committed to the open-shop policy, and committed, also, to the maintenance of the best working standards in the industry, and has always sought to maintain such standards.

Mr. THOMPSON. Referring to the cutters, Mr. Goldman, is there an organization of cutters that work in your shop? Are they in a union?

Mr. GOLDMAN. Some of them are and some are not.

Mr. THOMPSON. Are you advised as to that fact?

Mr. GOLDMAN. Yes; I am advised as to that fact.

Mr. THOMPSON. What proportion of the cutters that work for these firms, or for your firm, particularly, in your opinion, are members of the union, and what proportion are not members of the union?

Mr. GOLDMAN. I could not give that information.

Chairman WALSH. Can you approximate it, Mr. Goldman?

Mr. GOLDMAN. Why, I believe that, in some of the shops, they are very largely union; in others, again, they are hardly any union men.

Chairman WALSH. Could you approximate the number in yours, relatively?

Mr. GOLDMAN. Why, I think a very small percentage in ours.

Chairman WALSH. Belong to unions?

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Mr. GOLDMAN. Yes, sir; a very small percentage.

Mr. THOMPSON. Now, Mr. Goldman, what was the reason which actuated your firm and these other firms in granting to the cutters a 48-hour week whereas I would take it it is not granted to the tailoring branches of the trade?

Mr. GOLDMAN. At that time the inside work; that is, the work done in the shops of the manufacturers, was confined practically to a very few firms throughout the country. There had always been a large amount of contracting, and even these firms in only a small majority controlled the tailoring. The desire on the part of the association to establish the 48-hour week was due to the fact that it had been established in some other centers in the cutting department, and it was felt desirable that we should at least be on as good a footing as those other centers.

Mr. THOMPSON. If you know, in those other factories was the 48-hour week established by the union?

Mr. GOLDMAN. That I don't know.

Mr. THOMPSON. That you don't know?

Mr. GOLDMAN. No; I do not.

Chairman WALSH. Did the union present demands?

Mr. THOMPSON. No; no, there were no demands.

Chairman WALSH. Or a strike?

Mr. GOLDMAN. No; nothing of the kind. It was a voluntary act on the part of the association.

Mr. THOMPSON. In the tailoring branches of your business, Mr. Goldman, what are the hours there?

Mr. GOLDMAN. Almost universally 52 in our shops. There are some, I believe—I think in our shops they are all 52 without exception.

Mr. THOMPSON. That is, in your own?

Mr. GOLDMAN. In our own shops there are 52 hours in the tailoring department.

Mr. THOMPSON. Something has been said here this morning, Mr. Goldman, with reference to the sending out of certain kinds of work from the inside shops to the home. I think "basting" was the name as called.

Mr. GOLDMAN. It is not basting—

Mr. THOMPSON (interrupting). What kind of work is sent out?

Mr. GOLDMAN. No garment is sent out to be made in the home; such a thing does not exist in the clothing trade. There is an operation known as finishing; that operation is more or less on certain garments and does not exist at all on a great many. On a large part of the production there is no such thing as outside finishing; but there are certain garments sent out to finish by certain manufacturers in practically all grades of work—fine, medium, and cheap. It is a thing which has been growing less and less, I believe, and the work is done entirely by Italian women. And they take home a few garments, perform that particular part of the work, return them, having no regular quantity of work that they produce, but doing such work as they can in conjunction with their housework at home.

Mr. THOMPSON. Isn't it true that practically all men's garments have to be finished?

Mr. GOLDMAN. There is some finishing of the largest percentage of them; there are certain garments that are practically all machine-made, but on a large percentage there is some finishing; but it does not necessarily mean that that is all done outside.

Mr. THOMPSON. Well, what proportion, if you know, of the finishing work of your own firm is sent outside?

Mr. GOLDMAN. Why, I should say perhaps 25 per cent; that would be about a correct figure.

Mr. THOMPSON. And what is the reason that it is sent outside and not done in the shop?

Mr. GOLDMAN. We are diminishing it gradually; trying constantly to make it less and less, and have made great progress along those lines in the last two or three years. It is a very difficult thing to get enough finishers to work inside; they are all hand sewers, and it is always difficult to get an adequate supply of those trained to do the particular kind of work required, and for that reason we have to avail ourselves of this outside work. But it is something that I thoroughly—I would like very much to see abolished. The only objection I have heard to its abolition is really on the part of some well-meaning people who think that it might be a deprivation to some very poor people. That is the only objection I know of.

Mr. THOMPSON. What does your firm do with respect to inspecting the home into which your finishing work goes?

Mr. GOLDMAN. We issue work only where licenses are presented. They are all licensed finishers—licensed by the State.

Mr. THOMPSON. By the State?

Mr. GOLDMAN. Yes, sir.

Mr. THOMPSON. That is the guaranty upon which you operate?

Mr. GOLDMAN. Yes, sir; that is the guaranty.

Mr. THOMPSON. In other words, your firm makes no effort itself to investigate the condition of these homes?

Mr. GOLDMAN. We consider it entirely unnecessary, in view of the fact that the State maintains a staff of inspectors for that purpose.

Mr. THOMPSON. But in view of the testimony of Miss Wald this morning and of the testimony the other day of factory inspectors as to their inability to get around the city, it would appear that State inspection is very imperfect.

Mr. GOLDMAN. It is the first complaint I have heard that it was. It is certainly something that ought to be investigated.

Mr. THOMPSON. But, Mr. Goldman, I might say that that has been the general statement of the situation here, both by city officials and by individuals.

Mr. GOLDMAN. I know; but I have never heard any criticism of the State inspection.

Mr. THOMPSON. Then, neither you nor your firm has made any attempt to investigate how thorough the State inspection was?

Mr. GOLDMAN. No; not at all.

Mr. THOMPSON. Your work, Mr. Goldman, is the seasonal work. Is it not?

Mr. GOLDMAN. Why, I would not call it so; I mean, the clothing business, generally, might be called a seasonal industry, but it depends on other conditions. The business has been largely seasonal recently because of the business depression that is on, and there has been a good deal of unemployment; but when conditions are normal there are very many factories that run steadily throughout the year; and that does not apply entirely to the inside shop; there are lots of contractors that run steadily throughout the year. But, generally speaking, I would say there was a slack period of from four to six weeks twice a year, during which time the workers are employed from half to full time, and perhaps some of the shops shut down completely for a period, even when conditions are normal; but I know and have always known, of a great many contractors that have practically—and manufacturers as well—that practically run throughout the year without stopping.

Mr. THOMPSON. Referring to this slack season, and I note that it exists elsewhere in your trade, what is being done, if anything, by the manufacturers of this city to dovetail work in with the usual men's clothing work to give substantially full-time work to the employees?

Mr. GOLDMAN. So far as the manufacturer is concerned, he has every possible incentive to employ his people regularly. His overhead goes down and the loss that is entailed by a shutdown in a clothing shop is very great; and the manufacturer is constantly struggling to find steady employment for his shop; but so far as dovetailing in with other industries—for instance, in the women's cloak trade—it is entirely out of the question. The clothing trade is conducted on the sectional system, whereby the hands work on one portion, while in the cloak trade they operate the entire garment—making the complete garment. So that the system is entirely different in operation.

Mr. THOMPSON. I know that in other cities studies of that kind are being made, and I wondered whether any successful study had been made here in New York?

Mr. GOLDMAN. None that I know of. I do know this, that in certain processes or operations the hands do and can get employment in both branches. In the women's wear branch, as well as the men's—for instance, underpress and pressers, finishers, button sewers, and minor operations, generally speaking, hatters, it is possible for those people to find employment in different branches of the work. But so far as any organized effort on the part of our organization or the manufacturers here generally or the two associations to dovetail work, it has never been undertaken that I know of.

Mr. THOMPSON. Referring to the contract system, Mr. Goldman, what are the advantages to the manufacturer of that system?

Mr. GOLDMAN. The contract system exists because of the large number of small clothing manufacturers, manufacturers that haven't a sufficient output in any one grade of goods to justify them running a shop of their own. They

would be wholly incapable of maintaining a shop, and for that reason the contract business came into vogue. Now, a number of these contractors have developed good-sized plants, and by adhering strictly to one class of work have been able to get a degree of efficiency sometimes not attainable by the manufacturer himself in his shop, and so, to some extent, the larger manufacturers have elected to give part of their work to contractors, as well as the small, and in that way the contract system has come into being in the trade.

MR. THOMPSON. What are the disadvantages to the manufacturer of the contract system?

MR. GOLDMAN. The desirable thing for the manufacturer is to get uniformity of production. By giving his work to a large number of contractors of various grades he gets a lack of uniformity, and it would be very much more desirable if he could manufacture all of his goods in one large inside shop, and that tendency has been growing throughout the country. The better grade clothing houses have been very largely developing the inside factory in order to secure uniformity of production.

MR. THOMPSON. The work in the inside shop is divided up into many operations, is it not?

MR. GOLDMAN. In all shops, but very largely there is perhaps a larger subdivision found in the inside shops than the contract shops; not materially, but still some. The subdivision applies equally to the contract shop as to the inside shop.

MR. THOMPSON. About how many operations are necessary for the completion of an ordinary suit of clothes?

MR. GOLDMAN. Well, I should say that they would vary according to the way in which the work had been subdivided. That varies from shop to shop, but it would run somewhere between 75 and 150 operations on a complete suit of clothes.

MR. THOMPSON. What is the reason, Mr. Goldman, you have this finishing work done outside instead of having it done in your shop?

MR. GOLDMAN. Why, I explained that before, that in the first place was the method, the method that prevailed in the industry. Now, there has been a tendency going on for years to gradually lessen that home work, and it has been disappearing, but the difficulty has been—I will be very frank about it—that inside finishers have been less successful, very unsuccessful, and it has cost more money to get the work done; but notwithstanding that fact, the giving out of work is very unsatisfactory to most manufacturers, and we, for instance—my own firm—have made strong efforts in the past two or three years to reduce that, and very successful efforts, and we are getting it down so much that we feel it is only a question of time when it will be entirely eliminated.

MR. THOMPSON. Was your firm involved in the last strike?

MR. GOLDMAN. Yes, sir.

MR. THOMPSON. And as the result of that strike was there a commission appointed, and did you have anything to do with it?

MR. GOLDMAN. There was a commission to fix the hours.

MR. THOMPSON. Did you have anything to do with the commission? I mean your firm?

MR. GOLDMAN. No, sir; nothing.

MR. THOMPSON. Was your firm in any way within its scope?

MR. GOLDMAN. Well, yes. The commission was named to fix the working hours for the industry, and when they had performed that function, whatever the hours fixed by that commission were, we agreed to them.

MR. THOMPSON. And the commission has finished its work?

MR. GOLDMAN. Yes, sir.

MR. THOMPSON. That is all, Mr. Chairman.

CHAIRMAN WALSH. Commissioner Garretson would like to ask you a few questions.

COMMISSIONER GARRETSON. Mr. Goldman, is not the use of the contract system, not possibly where the contractor has developed to a degree that he maintains a factory, but the small contractor as he originally, I suppose, existed—the contractor was originally a small man?

MR. GOLDMAN. He was a small man, and it has grown to be a big thing.

COMMISSIONER GARRETSON. In that form has it been true that he was available to keep wages down by splitting the workers into small bodies where their resistance was not as effective as in larger bodies?

Mr. GOLDMAN. Well, the small contractor having disappeared to a very large extent, there being larger factories now mainly, and from the—

Commissioner GARRETTSON. Well, originally that possibly was a factor in the case?

Mr. GOLDMAN. Well, I think that statement would be a bit unfair to the contractor. My own judgment is that the wages of the workers in the contract establishments will average quite as good as those in the inside shops.

Commissioner GARRETTSON. Would the contract system also have a value, or could it have in this direction? That if abuses did exist in the treatment of men that aroused public sentiment us, for instance, investigations brought out, that the contractor has a value as a govt to put it on? Would that be one of the factors, possibly?

Mr. GOLDMAN. Why, I don't think so.

Commissioner GARRETTSON. Nobody ever tries to pass the buck in that case?

Mr. GOLDMAN. I haven't heard it.

Commissioner GARRETTSON. A man invariably assumes the responsibility for the abuses in his own system, the manufacturer?

Mr. GOLDMAN. I will tell you so far as that is concerned, those men that employ contractors probably recognize their responsibility only so far as their own direct employees are concerned.

Commissioner GARRETTSON. Yes.

Mr. GOLDMAN. And therefore would say, naturally, that they had no responsibility over the employees of those contractors.

Commissioner GARRETTSON. Although they received certain advantage therefrom in price?

Mr. GOLDMAN. Perhaps, yes.

Commissioner GARRETTSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Goldman, has your organization made any study or an attempt to regularize, the employer, to so conduct the selling part of the trade that the employment could be more continuous or suggesting other lines, for instance, women's lines, etc.

Mr. GOLDMAN. Well, we have made a very great study of that question, continuous study, and are doing it all the time, and I want to say that in a very large percentage, particularly of the larger houses in the industry there is up to practically the present period; that is, the last six months, we have had a trade depression, but prior to that time, covering a long period of years, the majority of the large and growing successful houses in the industry have been able to keep their people employed steadily.

Chairman WALSH. Have you an organization working to that end in your employer's association?

Mr. GOLDMAN. No, sir; we have not, but we have discussed these questions frequently in our conventions, and the value of it is so great to the manufacturers themselves, the loss is so large through stoppage of shops or through shutdowns on the section system under which we work, where it takes from 75 to 150 hands to make one garment, that system depends on continuous operation and therefore it is in the line of efficient management of the business, something which is highly desirable, and the selling season has been advanced largely to help bring about that end, to make for continuous production.

Chairman WALSH. What is the name of the organization of which you are president, Mr. Goldman?

Mr. GOLDMAN. I am not president any more, but I was formerly president of the National Association of Clothiers, until day before yesterday.

Chairman WALSH. It is still in existence, of course?

Mr. GOLDMAN. Yes, sir.

Chairman WALSH. Have you a constitution and by-laws?

Mr. GOLDMAN. Well, that organization is not the one that I have been representing here. I am here testifying as a member of the New York Clothing Trade Association.

Chairman WALSH. Yes; but in the organization that you were president of until day before yesterday—

Mr. GOLDMAN. Yes, sir.

Chairman WALSH. Has a written constitution and by-laws?

Mr. GOLDMAN. Oh, yes.

Chairman WALSH. Could you, without great inconvenience, submit that to us?

Mr. GOLDMAN. There is nothing in it that relates to the labor question.

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Chairman WALSH. No; but I would just like to have it for a part of the record.

Mr. GOLDMAN. Yes; I will be very glad to submit it.

(The pamphlet referred to, entitled "Constitution National Association of Clothiers" was submitted in printed form.)

Chairman WALSH. Have you a constitution and by-laws in this New York association of which you are a member?

Mr. GOLDMAN. Yes.

Mr. THOMPSON. And are their activities confined to the purposes expressed in them?

Mr. GOLDMAN. Yes, sir; entirely.

Chairman WALSH. Would you be kind enough to submit them to us?

Mr. GOLDMAN. Yes, sir; with pleasure.

Chairman WALSH. Commissioner Harriman would like to ask you a question.

Commissioner HARRIMAN. I would like to know, Mr. Goldman, would the enactment of a law completely abolishing home finishing be, in your opinion, desirable?

Mr. GOLDMAN. It would so far as I am concerned; I feel that it is desirable. The only objection that I do hear raised, as I say, is from well-meaning people who think, perhaps, it might work disaster to some very poor people for the time being.

Chairman WALSH. That is all; thank you, Mr. Goldman.

TESTIMONY OF MR. J. HARRIS LAVNER.

Mr. THOMPSON. Give us your name, address, and the position you occupy with the union?

Mr. LAVNER. J. Harris Lavner, 307 Wallabout Street, Brooklyn, N. Y.

Mr. THOMPSON. You are manager of District Council No. 1?

Mr. LAVNER. Yes, sir.

Mr. THOMPSON. United Garment Workers of America?

Mr. LAVNER. Yes, sir.

Mr. THOMPSON. What does your organization include?

Mr. LAVNER. This is a central organization, composed of the clothing workers' locals of Greater New York.

Mr. THOMPSON. How many locals is that?

Mr. LAVNER. Forty.

Mr. THOMPSON. Forty?

Mr. LAVNER. Yes.

Mr. THOMPSON. What kind of locals are they?

Mr. LAVNER. Those locals constitute all branches in the clothing industry, men's, children's clothing, which are subdivided into various locals throughout the greater city.

Mr. THOMPSON. Like cutters?

Mr. LAVNER. Yes.

Mr. THOMPSON. Pants makers?

Mr. LAVNER. Yes.

Mr. THOMPSON. Vest makers?

Mr. LAVNER. Yes.

Mr. THOMPSON. And also children's clothing workers?

Mr. LAVNER. Yes.

Mr. THOMPSON. About how many workers do those locals represent, if you know?

Mr. LAVNER. Well, approximately, according to my figures, I have got them down to about 90,000.

Mr. THOMPSON. About 90,000?

Mr. LAVNER. Yes.

Mr. THOMPSON. About how many men are there in the men's clothing industry in this city, if you know, approximately?

Mr. LAVNER. Well, I would put them down close to 100,000.

Mr. THOMPSON. Close to 100,000?

Mr. LAVNER. Yes.

Mr. THOMPSON. Then, nearly all of the workers in the men's clothing industry are in the union?

Mr. LAVNER. Well, I would put it down over 90 per cent.

Mr. THOMPSON. Over 90 per cent?

Mr. LAVNER. Yes.

Mr. THOMPSON. What are the terms of admission to your union—initiation fee?

Mr. LAVNER. By individual members?

Mr. THOMPSON. Yes.

Mr. LAVNER. The maximum price is about \$15 and some 60 cents, I believe; but there are certain locals who have taken members with a much lower initiation fee.

Mr. THOMPSON. Of course you have no restrictions as to nationality?

Mr. LAVNER. No.

Mr. THOMPSON. Or color?

Mr. LAVNER. No. This is the maximum price, some \$15; but a good many locals admit members with a much smaller initiation.

Mr. THOMPSON. To what extent does piecework exist in your trade?

Mr. LAVNER. You mean the percentage?

Mr. THOMPSON. Yes; and to what extent does the week work exist?

Mr. LAVNER. It depends on the various branches of the industry. Some branches are altogether piecework. For instance, the pants, vest, and knee pants trade is almost entirely based on a piecework system; whereas the other branches of the clothing industry, such as making coats, collars, exaudiers, bushmen, are week workers, with a very small exception.

Mr. THOMPSON. Is there steady work during the year for the workers, or is it seasonal work? Do they have a busy season and a slow season?

Mr. LAVNER. Well, there are two seasons, usually the fall and the spring season, lasting, I should say, four months for each season.

Mr. THOMPSON. During the slack season, so-called, do the workers have a good proportion of work?

Mr. LAVNER. It all depends on what places. In some places they work a quarter or half time, and in some places there is a total shut-out. It is not everywhere alike.

Mr. THOMPSON. Has the union given that subject any consideration?

Mr. LAVNER. We did.

Mr. THOMPSON. To find a remedy for it?

Mr. LAVNER. We did.

Mr. THOMPSON. What is the result of that consideration?

Mr. LAVNER. So far as we considered the advisability, rather the importance of shortening the hours of labor. This is the supreme subject that the organization has given consideration to.

Mr. THOMPSON. What proportion of the men and boys' clothing in New York City is handled through contract shops, and what proportion through what is called the inside shops?

Mr. LAVNER. You mean the entire clothing industry, or would you divide that into men's clothing and children's clothing separately?

Mr. THOMPSON. Take men's clothing first, and have it divided that way.

Mr. LAVNER. I have not got that detailed, but I have some data concerning inside and outside shops. The total number of shops, inside and outside—by outside I mean the contract shops—is over 2,600.

Mr. THOMPSON. Over 2,600.

Mr. LAVNER. Over 2,600. Of those 2,600 shops I find so far about 280 shops in side shops, under the jurisdiction of the manufacturers.

Mr. THOMPSON. What is the advantage of the contract system to the workers, and what are its disadvantages?

Mr. LAVNER. The advantage of the contract system is for a very small percentage of orthodox, who like to observe their Sabbath, and in those shops they do not work on Saturdays; otherwise I don't see any advantage there.

Mr. THOMPSON. What are the disadvantages, then, from your point of view?

Mr. LAVNER. The disadvantage is, because, I believe, that on account of the contracting system there is a surplus, an abnormal surplus of unemployed. I will try to make it as simple as I possibly can. If a manufacturer himself employed the people directly, he knows how many suits he has sold, and how many people he can employ; and as such he figures how many tailors he has got room for. Under a contracting system there is no such thing. The contractor opens up a shop with a hope of going out into the clothing district and getting work. He can fix up a shop with 10 machines, or he can fix up a shop with 20 machines or with 30 machines, or he can fix up a factory of 50 machines, regardless of whether the industry wants 50 or 200 people to work.

Especially under the present method of production, where the work has been so much subdivided and sectionized, it is very easy to get laborers because there

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is not so much requirement for skilled mechanics, and this creates an abnormal surplus of idle men. The trade don't need it. And under such methods of production it is very easy to learn the trade to anyone whom he comes across when he is needed for the season, but as soon as the season is over there is surely no room for him. The contracting system is the greatest factor for the creation of this abnormal number of unemployed. In addition to that, the contracting system creates a possibility of lowering the prices from time to time. When the contracting system spreads and each contractor is eager to get that much work as he possibly can from the manufacturer, there is a constant competition and lowering of prices, which ultimately results in the tailors, the clothing workers, coming down to their prices. So this practically creates a competition which we might call an illegitimate competition, because the contracting system can not keep track of how many clothing workers are necessary in New York or elsewhere to turn out the amount of production that is to be turned out in New York City.

I believe it is also a great factor in the maintenance of home work. The contracting shops are usually small shops, although they are now trying to increase their plants, and so on, but usually they are small plants, and this has, to a very large degree, to do with the maintenance of home work and tenement-house work, because he has no room for that particular kind of work, and he gives them outside.

Mr. THOMPSON. What is the efficiency of inspection of contracting shops by the State officers, if you know?

Mr. LAVNER. Well, from time to time they make an effort to remedy the evil, but to my knowledge I didn't see very much of it.

Mr. THOMPSON. Do the contracting shops lead to the speeding up of the workers?

Mr. LAVNER. Not necessarily.

Mr. THOMPSON. What is the difference, if you know, between the wages paid in the contract shops and the wages paid in the inside shops, those clothing manufacturers?

Mr. LAVNER. There is a small percentage of wages higher in contracting shops than inside the shops. Not very much.

Mr. THOMPSON. What machinery, if there is any, exists in the inside shops for the settlement of the grievances of the employees?

Mr. LAVNER. In the inside shops?

Mr. THOMPSON. In the inside shops, if you know.

Mr. LAVNER. None whatever.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Have you any questions, Commissioner Garretson?

Commissioner GARRETSON. I would like to ask one or two questions.

Mr. LAVNER, you heard the statement made by the witness who preceded you on the stand, to the effect that in normal years employment was almost continuous in this trade. Does your experience bear out that statement?

Mr. LAVNER. Well, from my knowledge and being in the trade for the past 22 or 23 years, I say that this tendency to increase the small seasons, or rather the most slackening down of the trade, is for the 12 or 15 years. I don't see much difference, except when there is an exceptional good prosperity, which is very seldom; otherwise the seasons are usually from seven to eight months, and between two seasons there is a little work in some places, and some there is a little more, and some there is no work at all.

Commissioner GARRETSON. Does your experience show that there is a greater tendency to continuous employment under the manufacturer himself than there is under the contractor?

Mr. LAVNER. I see to the contrary.

Commissioner GARRETSON. It is greater?

Mr. LAVNER. That is what I see.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mrs. Harriman, do you wish to ask any questions?

Commissioner HARRIMAN. No, thank you.

Chairman WALSH. Mr. Lennon?

Commissioner LENNON. Mr. Lavner, you say there are approximately 90,000 members of the garment workers, different organizations, in this city?

Mr. LAVNER. Yes, sir.

Commissioner LENNON. Did I understand you right?

Mr. LAVNER. Yes, sir.

Commissioner LENNON. Does that mean that you have 90,000 people paid-up members of your union, or is that the people who have been on the road in the last year?

Mr. LAYNER. A certain percentage, on account of the depression of the times, are in arrears, but I would not consider them dropped members. It is only a question of when there is work and they pay up their debts.

Commissioner LENNON. What percentage of difference is there in the prices you get or the wages you secure from inside shops and the contractor shops? You said there was a small percentage?

Mr. LAYNER. Yes, sir.

Commissioner LENNON. About what is it?

Mr. LAYNER. Well, I would put it down to 5 per cent. Not in all branches of the industry; not in all branches. For instance, among the pieceworkers there is absolutely no difference, except in week workers there may be some slight difference.

Commissioner LENNON. Well, if there is such a slight difference, where does the profit come to the manufacturer to maintain the contractor shops?

Mr. LAYNER. I can hardly tell that. I do not believe it is advantageous for the manufacturer to continue the contracting system, because he can shift the responsibility and avoid reductions and other inconveniences. I believe it is a good proposition.

Commissioner LENNON. Have you collective bargaining with any of the establishments here in the city?

Mr. LAYNER. Since the recent strikes of 1913 there has been three agreements along this principle, or national organizations with some minor merchants, not with the bulk of the trade.

Commissioner LENNON. Does your union stand for collective bargaining?

Mr. LAYNER. Neither side has taken the initiative as yet.

Commissioner LENNON. Have you made at any time in the past attempts in that direction?

Mr. LAYNER. We did not.

Commissioner LENNON. Haven't you ever had in this city collective bargaining with the firms to any extent, say, 15 or 20 years ago?

Mr. LAYNER. No, sir; not that I know of.

Commissioner LENNON. Are you undertaking to accomplish anything of that kind at the present?

Mr. LAYNER. We did not touch that proposition at all as yet. As I told you before, no party at all has taken as yet any initiative in that direction.

Chairman WALSH. Are you in favor of it?

Mr. LAYNER. I personally?

Chairman WALSH. Yes.

Mr. LAYNER. Absolutely.

Commissioner LENNON. What sentiment has been expressed in your organization? The question must have come up at some time. What sentiment has been expressed by the members as to collective bargaining with employers, fixing wages, hours, and general conditions of labor for a certain time?

Mr. LAYNER. I did not hear any opposition.

Commissioner LENNON. How do the wages secured by your members compare with that of the cloak makers of this city—cloak and skirt makers?

Mr. LAYNER. Pardon me?

Commissioner LENNON. How does the wages received by the membership compare with that received by the cloak makers' and skirt makers' association?

Mr. LAYNER. I am not much familiar with that industry. I would not make any estimate.

Commissioner LENNON. Don't your people live next door to the cloak and skirt makers all over New York?

Mr. LAYNER. Well, I think, from general talk, that it is very likely they have accomplished more through the machinery. It is very likely, but I would not be positive about it.

Commissioner LENNON. There is not much difference?

Mr. LAYNER. Yes; I would say they have accomplished much more.

Commissioner LENNON. That the cloak and skirt makers have accomplished much more?

Mr. LAYNER. Very likely.

Commissioner LENNON. If they have, what do you consider it due to, the activity of the union, or to the law, or to some psychology that exists in the business; or what has been the cause of it, if they have been more successful?

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Mr. LAVNER. Well, I would say there may be a good many factors, for this reason: In the first place, our industry has many more complications than the cloak industry. The cloak industry, they vary in style, probably, every day, and whenever the designer feels like it, and we have too many branches, and each branch is almost an industry in itself. Juvenile clothing is an industry by itself, having coat and knee pants and sometimes a blouse; the men's clothing industry has coats, pants, and vest; each branch is an industry by itself.

Secondly, on account of those complications we were unsuccessful all at once during the strike or after the strike to accomplish as much as they did.

Commissioner LENNON. Do you have the same difficulty in fixing the prices for piecework they have in the cloak and suit trades?

Mr. LAVNER. No, sir.

Commissioner LENNON. For instance, we had testimony here, I think in January last, that in one firm prices had been fixed for, I think it was, 2,400 different styles in one season; do you have anything of that kind?

Mr. LAVNER. No, sir.

Commissioner LENNON. You fix the price at the beginning of the season, or such time as you have conferences, and it runs through the season?

Mr. LAVNER. Even that is not necessary. Usually each manufacturer is manufacturing two or three different grades at the highest, and this is almost a continuing process year in and year out, except a few slight changes, but usually it is almost the same year in and year out.

Commissioner LENNON. When was the last scale of prices made in this city established?

Mr. LAVNER. During the last strike.

Commissioner LENNON. In 1910?

Mr. LAVNER. 1913.

Commissioner LENNON. 1913; yes.

Mr. LAVNER. Yes, sir.

Commissioner LENNON. Where do the people who come into your trade here and live go?

Mr. LAVNER. Pardon me.

Commissioner LENNON. We will put it in a different way. You have coming into your union five or six thousand members a year, don't you? In a good season there are five or six thousand new people coming into the unions every year?

Mr. LAVNER. I am not able to give you the facts, but usually in busy times, of course, there is an influx of new members.

Commissioner LENNON. What becomes of those that these new members take their places every year? Supposing you had 100,000 members last year and trade was good, and during the dull season a less number leave the trade; where do they go, back to the old countries or somewhere in the United States?

Mr. LAVNER. Well, some become unable to work, some leave for abroad, and some try a little business. I can not give you any statistics as to that.

Commissioner LENNON. Is the city of New York being built up entirely, almost, with people who are in the clothing trade or have been in the clothing business—at some time in the business—in the past?

Mr. LAVNER. Yes, sir; for the past quarter of a century.

Commissioner LENNON. You will have to change the name of the city of New York some time to something designating clothing.

Mr. LAVNER. It is very likely.

Commissioner LENNON. Do you have any serious difficulty with the immigrants when they first come here as to their maintenance of wages and a standard of living that you have established in your unions?

Mr. LAVNER. Well, when they just land, certainly.

Commissioner LENNON. How long does that last with them? How long does it take you to influence them?

Mr. LAVNER. Until they Americanize a little, adopt the American standard of living.

Commissioner LENNON. That is a variable time, I suppose? With some they last a long time?

Mr. LAVNER. There are some institutions who are trying to work that end—to give them so much education as to bring them up to the standard.

Commissioner LENNON. What do your people say as to the comparative standard of living in this country and in the countries from which they come?

Mr. LAVNER. Well, it all depends from where they come. When they come from a country where there is no industry at all, no comparison can be made. If they come from a country where there is an industry, say, Germany, I believe the American standard is higher, although the cost of living is increased. I do not think there is some benefit left, but to extract him, give him the possibility of enjoying some life better.

Commissioner LENOX. Do you find the people who come from across the seas as easy to induce to stand for living wages and as high standard of living as are the people who are born here in the country, so far as you come in contact with them?

Mr. LAVNER. Absolutely; sometimes they try to exceed it.

Commissioner LENOX. That is all I care to ask, Mr. Chairman.

Chairman WALSH. Are there any other questions?

(No response.)

Chairman WALSH. That is all, thank you, Mr. Lavner.

Mr. THOMPSON. I will call Mr. Friedman.

TESTIMONY OF MR. MAX FRIEDMAN.

Mr. THOMPSON. Mr. Friedman, will you give us your full name?

Mr. FRIEDMAN. Max Friedman.

Mr. THOMPSON. Your address, please.

Mr. FRIEDMAN. 708 Broadway.

Mr. THOMPSON. Your business, please.

Mr. FRIEDMAN. Manufacturer of clothing.

Mr. THOMPSON. Under what firm name?

Mr. FRIEDMAN. J. Friedman & Co.

Mr. THOMPSON. Are you president of the American Clothing Manufacturers' Association?

Mr. FRIEDMAN. I am.

Mr. THOMPSON. Is that an association all over this country, or mostly in New York City?

Mr. FRIEDMAN. Only in New York City.

Mr. THOMPSON. How many members has that association?

Mr. FRIEDMAN. Seventy-eight.

Mr. THOMPSON. When was it organized?

Mr. FRIEDMAN. At the inception of the strike of 1912; in December, 1912, I believe.

Mr. THOMPSON. 1912?

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. What are the objects of the association?

Mr. FRIEDMAN. The object for which it was formed?

Mr. THOMPSON. The purposes?

Mr. FRIEDMAN. To resist any unfair and unjust demands of labor organizations, and to further the industry of the cheap and medium-priced clothing, and preserve it for New York City.

Mr. THOMPSON. Have you a written constitution and by-laws?

Mr. FRIEDMAN. We have.

Mr. THOMPSON. Printed?

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. Will you furnish the commission with a copy?

Mr. FRIEDMAN. I guess so.

Mr. THOMPSON. We will be pleased, if you will.

Chairman WALSH. Did you say you will furnish a copy?

Mr. FRIEDMAN. I will.

Chairman WALSH. Thank you.

Mr. THOMPSON. How does your firm carry on its business? Does it have an inside shop or does it do a contracting business?

Mr. FRIEDMAN. We do all of our cutting on the premises, and get all of our work done in the contracting shops, with one exception, that we have one shop, of our own, just begun.

Mr. THOMPSON. What does that shop produce?

Mr. FRIEDMAN. Coats.

Mr. THOMPSON. Is that true, generally, of the members of your association?

Mr. FRIEDMAN. I think all of them do have all of their work done through contractors.

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Mr. THOMPSON. Through contractors?

Mr. FRIEDMAN. Yes, sir; there might be some individual members who have their own shops, the same as I have one of them.

Mr. THOMPSON. But most of them have their cutting done in their own shops?

Mr. FRIEDMAN. All of them.

Mr. THOMPSON. All of them?

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. What are the hours of work of the cutters that you employ, and what are their wages, if you can state it?

Mr. FRIEDMAN. The hours are 48; the wages for a cutter, I believe, are \$24.

Mr. THOMPSON. Is it by piecework or on a weekly basis?

Mr. FRIEDMAN. Weekly basis.

Mr. THOMPSON. Is there any standard by which you judge whether a man earns weekly wage or not?

Mr. FRIEDMAN. There is a standard.

Mr. THOMPSON. What is that?

Mr. FRIEDMAN. By ascertaining as to the work that he does.

Mr. THOMPSON. Do you have any price for a cut?

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. To the members and to yourself, how do you view the advantages of the contracting system?

Mr. FRIEDMAN. We consider that the advantage of the contracting system is decided. A great many manufacturers in New York City and a great many of the association are of the small manufacturers who can not afford to maintain their own shops, because, as it has been spoken of and explained here, the seasons are divided in two, and there is a limited amount of time that this production must be done, and there is no way for any manufacturer to engage space if he were, considering the prices that the garments are sold at, to know just exactly how many employees he would need, and how much space he would need to have his work done. In a good season so much more space, maybe, would be required than in a bad season, and in a bad season he may not need one half, and it is to do away with that unnecessary expense which the manufacturer of the cheap clothing would be burdened with, and it has to go on the cost.

Mr. THOMPSON. In other words, it cheapens the cost of production to the manufacturer?

Mr. FRIEDMAN. I would not put it that way.

Mr. THOMPSON. Well, it makes the cost less, then?

Mr. FRIEDMAN. The overhead charge would be less.

Mr. THOMPSON. What control have you over the sanitation of those contracting shops with whom you deal?

Mr. FRIEDMAN. Personally, we have no control, but the State laws, I understand, are rigid. Inspectors going around and inspecting shops. I know of cases where the shops were found in a condition not applicable to the State laws, that notice was sent to the manufacturer, and the work was either withdrawn or notice was sent that unless he complies with the law he can not obtain any work.

Mr. THOMPSON. Have you made any investigation yourself, or by others, as to whether or not the State inspection is carried on efficiently?

Mr. FRIEDMAN. I have had no investigation made.

Mr. THOMPSON. You have not?

Mr. FRIEDMAN. I have not.

Mr. THOMPSON. With reference to the question of seasonal work, you contract your work out, that is not a problem that you are confronted with, is it?

Mr. FRIEDMAN. Yes, sir; it is.

Mr. THOMPSON. In what way, in relation to your cutters?

Mr. FRIEDMAN. No, sir; in relation to the contractors, even. At times, at the height of the season, we sometimes find it impossible to get a contractor to make our work.

Mr. THOMPSON. I was speaking more particularly in reference to the slack season, when the people have not work enough to keep them busy?

Mr. FRIEDMAN. There are four different manufacturers, practically, in this market. There is the manufacturer that caters to the jobbing business exclusively; and there is the manufacturer that caters to the jobbers and the retailers; then there is the manufacturer that caters to the retailers exclusively;

and the manufacturers for his own use, his own stores. It oftentimes happens that a contract, as you probably understand, a jobbing season begins earlier, a contractor will begin, say, I will use a period of a month; they will begin to manufacture in the month of October for a jobber, and be through manufacturing for him in December. In the month of January the man that caters to the retail trade will begin and manufacture on until, say, March or April; and then that same contractor can get work from another manufacturer who manufactures for his own use, and his season does not begin, really, until April. So one contractor can practically, if he is a good business man, stretch the amount of work for himself and his people for the best part of the year.

Chairman WALSH. The commission will now adjourn until 2 o'clock this afternoon, to meet in this same room.

(Thereupon, at 12:35 p. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

NEW YORK, June 4, 1911—2 p. m.

Commissioner Lennon in the chair.

TESTIMONY OF MR. MAX FRIEDMAN—Continued.

MR. THOMPSON. Mr. Friedman, are you acquainted with the conditions in the inside shops or manufactories?

MR. FRIEDMAN. I am not.

MR. THOMPSON. In New York City?

MR. FRIEDMAN. I am not.

MR. THOMPSON. Therefore, you are not capable of making any comparison between the workers, the condition of the workers in the contract shops and those in the inside shops?

MR. FRIEDMAN. No, sir; I would not be able to.

MR. THOMPSON. Are you acquainted with the wages that are paid workers in contract shops?

MR. FRIEDMAN. Occasionally I have ascertained that from the various contractors who work for us.

MR. THOMPSON. The work done by the contractors is just generally labor on the cloth, is it not?

MR. FRIEDMAN. Yes, sir.

MR. THOMPSON. And the cloth is furnished by the association?

MR. FRIEDMAN. Yes; we send the cut down from the shops and they finish them into the garment.

MR. THOMPSON. And the profit of the contractors must be made on the labor proposition solely?

MR. FRIEDMAN. I suppose so.

MR. THOMPSON. The difference between what you pay the contractor for the labor and what he pays the people for it?

MR. FRIEDMAN. I suppose so; yes sir.

MR. THOMPSON. Do you know the comparative cost of the making of garments in the factory shops, the inside shops, and the contractors' shops?

MR. FRIEDMAN. Well, I can say yes; but I don't want to speak of it authoritatively.

MR. THOMPSON. What is your impression?

MR. FRIEDMAN. It costs more on the inside shops.

MR. THOMPSON. On the inside shops?

MR. FRIEDMAN. Yes, sir.

MR. THOMPSON. What is the reason? Do the people get paid less?

MR. FRIEDMAN. They do not. I can not understand it; but it seems to me that the cost of production in the contract shop is cheaper, and yet the men earn more.

MR. THOMPSON. Well, haven't you any theory in regard to that?

MR. FRIEDMAN. Well, it is probably due to the fact that the contractor knows who he wants to hire; he knows the best mechanics; he is acquainted with them. He assembles in the shop the body of men who fit in with one another and who are able to do the work more thorough and quicker and thereby produce a better garment and probably a larger quantity for the same money—for less money.

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Mr. THOMPSON. Are they paid weekly wages?

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. Does the contractor drive his people more than on the inside shops?

Mr. FRIEDMAN. That is ridiculous, because they do not permit themselves to be driven, and nobody drives.

Mr. THOMPSON. Has your association a contract with the unions?

Mr. FRIEDMAN. No, sir.

Mr. THOMPSON. Have you any working arrangements with the union?

Mr. FRIEDMAN. We have not.

Mr. THOMPSON. Have you ever had any dealings with the union before as an organization?

Mr. FRIEDMAN. No, sir.

Mr. THOMPSON. Didn't you lately, in the last three or four months, have some conference with the union people?

Mr. FRIEDMAN. Not with the union people. We had a conference with the commission.

Mr. THOMPSON. Who constitutes that commission?

Mr. FRIEDMAN. At the present time—it was constituted first of Mr. Marcus M. Marks, now the president of the Manhattan Borough, Dr. Magnus, and Mayer London.

Mr. THOMPSON. What conference did you have with the commission?

Mr. FRIEDMAN. It seems to me there have been such chaotic conditions in the clothing business that the commission stepped in to investigate and tried to ascertain where the trouble lay; and the commission, of its own initiative, asked me in the conference whether it would be plausible to have an investigation as to that chaotic condition and try to ascertain a remedy.

Mr. THOMPSON. What was the chaotic condition that they found and what remedy did they suggest, if any?

Mr. FRIEDMAN. Well, they were to investigate, but the investigation did not start.

Mr. THOMPSON. Didn't you, as a matter of fact, have an agreement, either with the representatives of the union in the shop or their officials or an attorney, in regard to guaranteeing the wage of workmen in the contractors' shop?

Mr. FRIEDMAN. It was always an understood fact that the manufacturers guarantee the wages of the contractor in case he absconded.

Mr. THOMPSON. You say it was an understood fact always?

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. Then you did not make any agreement or have a conference of that kind lately, in the last three or four months?

Mr. FRIEDMAN. There was a personal understanding regarding my individual firm.

Mr. THOMPSON. Your individual firm?

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. Between the contractor who was dealing with your firm—

Mr. FRIEDMAN. Yes, sir.

Mr. THOMPSON. Did it touch the question of the sanitation of the shops of those contractors?

Mr. FRIEDMAN. It did not.

Mr. THOMPSON. It did not?

Mr. FRIEDMAN. No, sir.

Mr. THOMPSON. What question did it cover, if any other than the question of wages?

Mr. FRIEDMAN. Well, there was a demand made upon me about the unionization.

Mr. THOMPSON. Union what?

Mr. FRIEDMAN. Unionization of certain shops which were nonunion. I couldn't see how it could be done or I could do it, and the extreme measure was resorted to by a strike against my firm. Between two and three weeks some kindly gentleman assisted us in bringing us together and the understanding at that time was that these vest shops, that is what they were, are to continue to receive work from J. Friedman & Co., from my firm, that the union would make an effort to unionize them, and that in the event that they are unsuccessful that I should lend my efforts so to do. And as far as the understanding with them about wages, as I said before, it was always an understood fact that every manufacturer always guaranteed the wages of the men in case the contractor absconded or disappeared.

Mr. THOMPSON. That was also subject to this agreement?

Mr. FRIEDMAN. Yes.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner GARRETSON. Mr. Friedman, you say that there has been a universal understanding that the manufacturer in every instance guaranteed the wage in the event that the contractor failed to pay?

Mr. FRIEDMAN. Yes, sir.

Commissioner GARRETSON. Have they so paid, and without delay, in all instances?

Mr. FRIEDMAN. Yes, sir; all I know of; yes, sir.

Commissioner GARRETSON. The objects of your association, are, I believe, as you stated them, of getting together for the purpose of resisting unjust and unfair demands on the part of labor unions?

Mr. FRIEDMAN. That is one of the objects.

Commissioner GARRETSON. If that is the prime object, did I misunderstand you when you stated that none of the members of your association are manufacturers through their own employees farther than cutters?

Mr. FRIEDMAN. Exactly; that is, none of them do all of their own work in their own shops.

Commissioner GARRETSON. But they all employ their own cutters?

Mr. FRIEDMAN. Every one of them.

Commissioner GARRETSON. And that work is performed on the premises of the contractors?

Mr. FRIEDMAN. No, sir.

Commissioner GARRETSON. In your own premises?

Mr. FRIEDMAN. Yes, sir.

Commissioner GARRETSON. Are any of the firms in your association or any of the individual members thereof interested in any firms of contractors also?

Mr. FRIEDMAN. No, sir.

Commissioner GARRETSON. None.

Mr. FRIEDMAN. Not that I know of. I will answer that, not that I know of; I don't think so.

Commissioner GARRETSON. If your association does not do manufacturing and employ men on its own responsibility further than cutters, what is the necessity for banding together to resist labor unions?

Mr. FRIEDMAN. Because the organizations are allied, and when the cutters don't work the tailors don't work, and any demand made upon any firm by the cutters is also taken up by the tailors.

Commissioner GARRETSON. Are your cutters union men, all of them?

Mr. FRIEDMAN. I believe most of them are.

Commissioner GARRETSON. Although you don't deal with the organizations representing them?

Mr. FRIEDMAN. No, sir.

Commissioner GARRETSON. Is there anything in your organization that pledges you not to deal with unions?

Mr. FRIEDMAN. Nothing.

Commissioner GARRETSON. In answer to a question from counsel you stated that, in reply to a question as to whether the cost was less manufactured through the contractor, that it was not, if I understood you correctly, although you afterwards stated that it did reduce overhead?

Mr. FRIEDMAN. I said it was less to the contractor.

Commissioner GARRETSON. Yes; but to yourself, this question applied to the cost to you. I understood you to say that working through the contractor it did not in any appreciable degree lessen cost, although it did lessen overhead?

Mr. FRIEDMAN. That is true.

Commissioner GARRETSON. Isn't overhead one of the principal elements in cost of production?

Mr. FRIEDMAN. Well, if you have to figure a cost and the overhead is so much more, naturally it changes the cost.

Commissioner GARRETSON. Naturally it does.

Mr. FRIEDMAN. If we have a specific cost without overhead, it lessens the cost.

Commissioner GARRETSON. Then, the fact is that you reduce overhead to reduce cost?

Mr. FRIEDMAN. Yes.

Commissioner GARRETSON. That is all.

Mr. THOMPSON. Is Mr. Kaufman here?

(No response.)

1988 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. THOMPSON. Mr. S. Kaufman, the representative of the contractors' association, is not here now, Mr. Chairman, so we will have to call Mr. Adolph Stieglitz.

TESTIMONY OF MR. ADOLPH STIEGLITZ.

Mr. THOMPSON. Will you give us your name?

Mr. STIEGLITZ. My name is Adolph Stieglitz.

Mr. THOMPSON. How do you spell your name?

Mr. STIEGLITZ. A-d-o-l-p-h S-t-i-e-g-l-i-t-z.

Mr. THOMPSON. Where is your address?

Mr. STIEGLITZ. 120 East Eighty-second Street.

Mr. THOMPSON. And what is your occupation?

Mr. STIEGLITZ. Coat presser.

Mr. THOMPSON. For what firm do you work?

Mr. STIEGLITZ. For Adel Levinsky, 96 Canal Street.

Mr. THOMPSON. How long have you been a coat presser?

Mr. STIEGLITZ. Since 1888.

Mr. THOMPSON. In this city?

Mr. STIEGLITZ. In this city.

Mr. THOMPSON. Are you paid by the week or by the piece?

Mr. STIEGLITZ. By the week.

Mr. THOMPSON. What wages do you get?

Mr. STIEGLITZ. Twenty-three dollars.

Mr. THOMPSON. Twenty-three dollars?

Mr. STIEGLITZ. Yes.

Mr. THOMPSON. What is the difference in the rates, if you know, in inside shops and outside shops of wages for your kind of work?

Mr. STIEGLITZ. In inside and outside shops there is no difference.

Mr. THOMPSON. That is to say, the inside shop gets just as much as the outside shop?

Mr. STIEGLITZ. According to the skill of the workman.

Mr. THOMPSON. Your work is weekly work?

Mr. STIEGLITZ. Yes.

Mr. THOMPSON. How about the piecework in the men's garment industry?

Are the prices for piecework as high in the inside shops as in the outside shops, if you know?

Mr. STIEGLITZ. I can't tell you.

Mr. THOMPSON. You can't tell me. Do you know with reference to ready-made garments?

Mr. STIEGLITZ. Yes.

Mr. THOMPSON. What is it with reference to ready-made garments?

Mr. STIEGLITZ. We have no regular prices so that we could tell the difference.

The prices are different in every shop.

Mr. THOMPSON. What kind of shop is yours—a contracting shop?

Mr. STIEGLITZ. An inside shop.

Mr. THOMPSON. Inside shop?

Mr. STIEGLITZ. Yes.

Mr. THOMPSON. What pay do you get for overtime and holidays, if any?

Mr. STIEGLITZ. The same, as usual; the same as regular time.

Mr. THOMPSON. Same as what?

Mr. STIEGLITZ. The same price as we get for every hour working in the day-time.

Mr. THOMPSON. You don't get any surplus time? You don't get time and a half or double time?

Mr. STIEGLITZ. No, sir.

Mr. THOMPSON. Are there any fines which exist in your business?

Mr. STIEGLITZ. Not in the place where I work.

Mr. THOMPSON. There are no fines there?

Mr. STIEGLITZ. No.

Mr. THOMPSON. Do you know anything about the insecurity of wages of the workers by contractors? Is their pay sure, or are they apt to lose money?

Mr. STIEGLITZ. It is often the case that they are not sure if they are paid by contractors.

Mr. THOMPSON. Do you know anything about subcontracting in the presser's occupation?

Mr. STIEGLITZ. I used to, but not at present.

Mr. THOMPSON. But not at present?

Mr. STIEGLITZ. Not at present.

Mr. THOMPSON. How do the seasons run in your shop?

Mr. STIEGLITZ. Twice a year; from 12 to 14 weeks to the season.

Mr. THOMPSON. And that is called the busy season and dull season?

Mr. STIEGLITZ. That is called the busy season.

Mr. THOMPSON. Do you have any work during the slack season; and if so, about how much?

Mr. STIEGLITZ. It is according; sometimes three or four days a week, sometimes less, some weeks nothing.

Mr. THOMPSON. What is being done, if you know, in the trade here in New York City, in your shop or elsewhere, to give them more work or to create more work for the workers during the slack season? Do you know of any attempts to have other kinds of garments made or to bring other kinds of work into the shop?

Mr. STIEGLITZ. Not in my shop.

Mr. THOMPSON. Not in your shop?

Mr. STIEGLITZ. No.

Mr. THOMPSON. What hours a week do you work?

Mr. STIEGLITZ. Fifty hours a week.

Mr. THOMPSON. Is there an oversupply of labor in the men's clothing industry in this city? Have you more workers than needed?

Mr. STIEGLITZ. Certainly there is, at times.

Mr. THOMPSON. Where do they mostly come from? Are there a fresh supply of workers coming all the time—immigrants?

Mr. STIEGLITZ. So far as pressers are concerned, most of them are old pressers; but there is not enough work to supply them.

Mr. THOMPSON. There is not enough work?

Mr. STIEGLITZ. No, sir.

Mr. THOMPSON. But with reference to the trade generally, is there a great influx of immigrants all the time seeking work as tailors?

Mr. STIEGLITZ. There certainly is.

Mr. THOMPSON. What control does the union have, if you know, over the local supply of labor in your trade?

Mr. STIEGLITZ. Well, the union sees that they work regular hours; that they get regular pay; that their pay is secured; that they are supplied with work; if there is a place to be gotten, that a man can get it.

Mr. THOMPSON. Has your union an organization in the shop you work in?

Mr. STIEGLITZ. How?

Mr. THOMPSON. Has the union an organization in the shop you work in?

Mr. STIEGLITZ. Yes.

Mr. THOMPSON. I mean, are many people working there members of the union?

Mr. STIEGLITZ. They are all members of the union.

Mr. THOMPSON. They are?

Mr. STIEGLITZ. Yes, sir.

Mr. THOMPSON. What method do you have of adjusting your grievances with the firm when a worker has any trouble? What do you do? Suppose a man is discharged, or suppose he is ill-treated by the foreman, how do you adjust those matters?

Mr. STIEGLITZ. We put it to the organization.

Mr. THOMPSON. And they handle it?

Mr. STIEGLITZ. Yes, sir.

Mr. THOMPSON. Have you a shop chairman?

Mr. STIEGLITZ. We have.

Mr. THOMPSON. About what proportion of the pressers that work in the trade in New York City are members of the union, if you know, and how many nonunion?

Mr. STIEGLITZ. Well, we could not tell exactly how many pressers are not union men, and I can only tell you we are about as much as 3,000 pressers in the organization.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman LENNON. Have you anything, Mr. Garretson?

Commissioner GARRETSON. Mr. Stieglitz, did you hear the testimony of Mr. Friedman to the effect that there was a universal understanding, a general understanding, that the wages of the employees of contractors were guaranteed by the manufacturers and that they were always paid?

1990 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. STIEGLITZ. I heard that testimony.

Commissioner GARRETSON. You heard that statement.

Mr. STIEGLITZ. Yes, sir.

Commissioner GARRETSON. Does your experience bear out the fact that if any contractor fails to settle with his people it is invariably settled promptly by the manufacturer for whom he is working?

Mr. STIEGLITZ. I have never heard that.

Commissioner GARRETSON. Have you known of instances where employees of contractors did not receive their pay?

Mr. STIEGLITZ. I never did.

Commissioner GARRETSON. You never did?

Mr. STIEGLITZ. I never did; no, sir.

Commissioner GARRETSON. That is all.

Commissioner O'CONNELL. How many coats do you press a day?

Mr. STIEGLITZ. Well, we don't count them now.

Commissioner O'CONNELL. When you did count them how many did you do?

Mr. STIEGLITZ. Well, we worked piecework.

Commissioner O'CONNELL. How many would you press then?

Mr. STIEGLITZ. It was according to the material; according to the work we had.

Commissioner O'CONNELL. What is the largest number of coats you ever pressed in one day?

Mr. STIEGLITZ. Well, there was a time when I pressed 24 coats a day.

Commissioner O'CONNELL. Was that considered a big day's work or a small day?

Mr. STIEGLITZ. It was a big day's work.

Commissioner O'CONNELL. What, about, would be the average day?

Mr. STIEGLITZ. Well, about 20.

Commissioner O'CONNELL. Have you ever figured out what your total earnings were per year—how much you earned in one year, say last year, 1913—how much money you made during the year as a presser?

Mr. STIEGLITZ. I could not tell you.

Commissioner LENNON. Mr. Stieglitz, when an immigrant arrives here and wants to go into the clothing industry to work, what initiation does he pay into the union if he wants to join the union?

Mr. STIEGLITZ. Well, we usually make it as easy for the immigrant to enter the union as possible, although our regular prices are \$15; and we usually take the immigrant in for about \$2.

Commissioner LENNON. What wages does this immigrant receive the first three months he is at work? Suppose he goes into the pressing department of some firm or other, what wages does he get the first three months of his employment?

Mr. STIEGLITZ. Usually as a beginner he gets the smallest price possible.

Commissioner LENNON. I know, but about what is that?

Mr. STIEGLITZ. Well, it is according to his training, according to his mechanism.

Commissioner LENNON. Well, suppose he has never worked in the trade in the old country or anywhere else, and he starts in here, what would he be paid for the first three months?

Mr. STIEGLITZ. Well, I don't see, if the man never has been a tailor, how he could find employment in a tailor shop.

Commissioner LENNON. Then the new beginner don't get the standard wage or the wage you do?

Mr. STIEGLITZ. Positively not.

Commissioner LENNON. Let's see, now; can't you tell us about what they get?

Mr. STIEGLITZ. Well, they try to get them for five or six dollars a week.

Commissioner LENNON. They try to get them for five or six dollars a week?

Mr. STIEGLITZ. Yes, sir.

Commissioner LENNON. And that would continue how long?

Mr. STIEGLITZ. Well, as long as the boss likes it.

Commissioner LENNON. Will it continue six months, or three months, or how long?

Mr. STIEGLITZ. There is no limit.

Commissioner LENNON. There is no limit for such things? No rules governing them?

Mr. STIEGLITZ. No, sir.

Commissioner LENNON. Then such a man entering the trade, he might work a year at five or six dollars a week, or if there is no rule he might work only a month at that price, and then get a standard wage. Is that true?

Mr. STIEGLITZ. Yes, sir; sure. He might work five years at the same price, and if he would not demand a better price he would never get it.

Commissioner LENNON. Well, I advise your union to amend some of its rules; but that is not my business, though. That is all, Mr. Stieglitz.

TESTIMONY OF MR. JOSEPH GOODMAN.

Mr. THOMPSON. What is your name and place of residence?

Mr. GOODMAN. Joseph Goodman, 313 East Sixteenth Street.

Mr. THOMPSON. And your business?

Mr. GOODMAN. I am working now on a division of basting.

Mr. THOMPSON. For whom?

Mr. GOODMAN. I am working for a contractor.

Mr. THOMPSON. What contractor?

Mr. GOODMAN. On coats.

Mr. THOMPSON. What is the name?

Mr. GOODMAN. Zucker.

Mr. THOMPSON. What is his address?

Mr. GOODMAN. 125 Rode Street.

Mr. THOMPSON. How many people are employed, if you know?

Mr. GOODMAN. Employing about 65.

Mr. THOMPSON. For what manufacturers or people does he do work, if you know?

Mr. GOODMAN. I can't tell you, because he changes all the time.

Mr. THOMPSON. What wages do you get?

Mr. GOODMAN. My part—the part I work—I am getting \$22.

Mr. THOMPSON. Twenty-two dollars?

Mr. GOODMAN. Yes, sir.

Mr. THOMPSON. Is that weekly wage, or on piecework?

Mr. GOODMAN. Weekly wage.

Mr. THOMPSON. Is that the average wage in your shop for your work?

Mr. GOODMAN. No; I am simply doing certain parts; and, of course, not in every shop, because we have not got no scale of wages in our organization.

Mr. THOMPSON. Are you a member of the organization?

Mr. GOODMAN. Certainly.

Mr. THOMPSON. Have you fines you are subject to? Does your employer fine you for spoiling goods, or anything of that kind?

Mr. GOODMAN. No, sir; because my organization protects me from that.

Mr. THOMPSON. Are your wages secure, or do you have trouble collecting them.

Mrs. GOODMAN. My wages are secured through the organization through the managers where the work is for.

Mr. THOMPSON. How does the organization secure your wages, if you know?

Mr. GOODMAN. As soon as any trouble occurs—of course, we have a chairman in our shop, and the chairman gets up in the organization and tells the manager of the organization that the boss wants to finish out the work—of course, the boss can't leave the work in pieces—unless he finishes it up, and if there is some understanding between the workmen that the boss means some tricks, of course, he goes over to the organization and advises, tells the organization—the manager, through the organization, sees the firm where the contractor works in and gets some security for our wages.

Mr. THOMPSON. Do you people ever have to seize the goods—put a lien on the goods, on the clothing—in order to get your pay?

Mr. GOODMAN. Some of them do; of course, if at the time we didn't have no organization here we always used to do it.

Mr. THOMPSON. Was that a frequent occurrence at that time?

Mr. GOODMAN. At that time; at the present moment, no.

Mr. THOMPSON. At that time, yes; but at the present moment, not?

Mr. GOODMAN. Yes, sir; the organization does it.

Mr. THOMPSON. How long a season have you in the shop?

Mr. GOODMAN. I can't tell exactly; sometimes the season keeps on longer and sometimes less; I would say about eight months during the year.

Mr. THOMPSON. Is any special effort made in your shop to provide workers with work during the slack season?

1992 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. GOODMAN. Sometimes the boss says, yes, that he is trying for work, because every time when you stop working the boss always promises that maybe two or three days you are going to get work; that he is trying to get work; but we are left to the promises, and it drags along about three or four months.

Mr. THOMPSON. Has the proprietor of your shop ever tried to bring any other kind of inside work into the shop?

Mr. GOODMAN. In our shop?

Mr. THOMPSON. Yes, sir; during the slack season?

Mr. GOODMAN. No.

Mr. THOMPSON. Have you ever heard of that being done in any contract shop in New York City?

Mr. GOODMAN. No.

Mr. THOMPSON. How many hours do you work, practically?

Mr. GOODMAN. Fifty hours; 9 hours every day and Saturday 5 hours.

Acting Chairman LENNON. Mr. Garretson, do you want to ask any questions?

Commissioner GARRETTSON. No.

Acting Chairman LENNON. Or you, Mrs. Harriman?

Commissioner HARRIMAN. No, sir.

Commissioner O'CONNELL. No.

Acting Chairman LENNON. Are there any women employed in your shop?

Mr. GOODMAN. Yes, sir; there are.

Acting Chairman LENNON. Are they employed in nearly all of the shops in the city?

Mr. GOODMAN. In the shop, yes; they work in the shop.

Acting Chairman LENNON. Well, do they do the same kind of work as the men in your shop?

Mr. GOODMAN. No; they do just felling; a simple part on the garment.

Acting Chairman LENNON. What wages does a woman receive—say she has worked at the trade two or three years?

Mr. GOODMAN. Yes; they are working mostly piecework; and by piecework sometimes a woman makes \$3 and sometimes \$4 and sometimes \$2, and the highest wages are about \$6.

Acting Chairman LENNON. A week or a day?

Mr. GOODMAN. A week.

Acting Chairman LENNON. A week?

Mr. GOODMAN. Yes, sir.

Acting Chairman LENNON. Six dollars a week?

Mr. GOODMAN. Yes, sir; the highest, and the lowest about \$2.

Commissioner O'CONNELL. Two dollars a week?

Mr. GOODMAN. Some women are making \$2 a week piecework.

Commissioner O'CONNELL. Is that a girl just starting in the business or one who has been in two or three years?

Mr. GOODMAN. No; in this line they are mostly Italian women that are working; and of course before they didn't have no organization, so the women were working for still less; and with the organization the women worked themselves up as far as that price I mentioned before.

Commissioner O'CONNELL. Did she work herself up from \$2 a week?

Mr. GOODMAN. Yes; of course; there is piecework—I can't explain you on this. There is piecework, and there is some women carrying home also work, and there is some women that don't work regularly all day in the factory, because there is steady work for some of them and some are just getting a few jobs to make.

TESTIMONY OF ADOLPH STIEGLITZ—Recalled.

Commissioner LENNON. You say they get \$2 and \$6 a week. Do you mean those that work part of the time in the shop and then go home and do not work? Are they the ones that get \$2 and \$6?

Mr. STIEGLITZ. Yes, sir. They have to do it because they have to carry out the bundles and this takes time.

Commissioner LENNON. Suppose a woman is all the time in the shop, 50 hours a week, what would she make?

Mr. STIEGLITZ. The highest wages they are making is \$3. If she is working all day she may make \$6 a week.

Commissioner LENNON. Then this woman who works a few hours in the shop and then goes home and stays the rest of the day, what does she make, 10 or 15 cents or 25 cents a day?

Mr. STIEGLITZ. Yes. Those that are working in the shop are working all day in the shop.

Commissioner LENNON. Yes, sir.

Mr. STIEGLITZ. But those that carry home work, that takes away their time. I did not say before they are making \$2. They are making in wages, I did not explain that.

Commissioner O'CONNELL. Explain it, please.

Mr. STIEGLITZ. It takes them time to take home the work. They are carrying the work on top of their heads. Sometimes we meet on the East Side women carrying bundles on the top of their heads. Those women are carrying their bundles, because it is very hard to live in the location where the shops are, and they live far away and they have to take home their bundles sometimes, and they have to wait for the elevator to bring them up and the elevator man takes his time, and the women have to stand with a bundle on their heads carrying it from a far distance, and there is left not much time for her to work, and that is the way she works all day. On that sewing, by carrying and working, etc., she makes \$2.

Commissioner LENNON. Suppose she goes home with a bundle and sits down to work and works just one hour, what do you think that Italian woman would make in one hour?

Mr. STIEGLITZ. According to what the boss wants to pay. There is no price for Italian women. The women do not make the price, the boss makes the price. Most of them can not speak the language and the most of them deal on the fingers, and the boss says, "If you don't want to work for that price I am giving you," they can not get any work. Some of the Italian women have to support their children in the house, and some are making a living for their husbands, and she is compelled to take the price what the boss pays.

Commissioner LENNON. If she can not speak English she can at least use a needle, that is evident?

Mr. STIEGLITZ. Yes, sir.

Commissioner LENNON. Does she make 15 cents an hour if she works? Suppose she works one hour steady, does she make 15 cents an hour?

Mr. STIEGLITZ. She could make it, but there is not such a thing. If a boss sees that there is no price—one hour she makes more, probably the next day he pays her less for the piecework and she works less.

Commissioner LENNON. You said you thought the work run about right months a year?

Mr. STIEGLITZ. Yes, sir.

Commissioner LENNON. Would that mean that you make about \$600 a year?

Mr. STIEGLITZ. I can not figure out how much I make the whole year.

Commissioner LENNON. You do not keep an account of it?

Mr. STIEGLITZ. I just want to remark, sometimes an active man makes less than another member in the organization. For being active some of the bosses are trying to punish the members. Sometimes during the season we have to travel and the season runs away and we are making still in eight months, therefore I can not give you a check on my wages.

Commissioner LENNON. How long have you worked in the shop where you are now?

Mr. STIEGLITZ. Since last winter in the shop where I am now.

Commissioner LENNON. Since last winter?

Mr. STIEGLITZ. Yes, sir; since last winter.

Commissioner LENNON. Has there been any new immigrants come in that shop since you started to work there?

Mr. STIEGLITZ. Since I worked there?

Commissioner LENNON. Yes, sir.

Mr. STIEGLITZ. Yes, sir. There have been a few.

Commissioner LENNON. How much wages did they get when they started?

Mr. STIEGLITZ. There is no scale of wages. The same thing like with the Italians; the boss pays them as much as they are willing to work for.

Commissioner LENNON. That is all.

Commissioner O'CONNELL. Have you any idea how those women live who are making \$2 a week? Have you made any investigation or given it any thought at all?

Mr. STIEGLITZ. I think we can all imagine how they live on such a low wages. I never tried to investigate.

Commissioner O'CONNELL. Are some of them married women who have children?

1994 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. STIEGLITZ. Yes, sir; they support children.

Commissioner O'CONNELL. Have they grown-up children also that work in the factory?

Mr. STIEGLITZ. I don't know. But I want to state the fact that all of the women who take in home work to the houses, the most of the women, the new immigrants learning in those houses. The most of the women are contractors in the house. They have children. If newcomers come, they teach them how to sew, too.

Commissioner O'CONNELL. Have you been in some of those houses where they take in clothing to the home and sew sometimes?

Mr. STIEGLITZ. I happened to be, sometimes.

Commissioner O'CONNELL. What are the sanitary conditions in those homes?

Mr. STIEGLITZ. There is nothing to speak of in sanitary conditions in a place where a family lives home, at the same time having sewing there and doing basting, and so on. They are simply small bedrooms, and under such wages they can not live in the five or six room cottages and live on that wages. They are making simply a poor living.

Commissioner HARRIMAN. Would you give the commission the address of some of those places you are speaking of?

Mr. STIEGLITZ. I think it is not very necessary for me, and I don't think whether I remember exactly the addresses. I just want to point out streets. This is on Christie Street, the most of them. Christie Street is the most of them.

Commissioner HARRIMAN. Do most of those women have husbands working, too?

Mr. STIEGLITZ. I am not very familiar with that.

Commissioner LENNON. I understood you, Mr. Stieglitz, in response to Commissioner O'Connell, just a moment ago, to say something about there being women contractors. I want to see if I understood you right.

Mr. STIEGLITZ. Yes, sir; there is in the Italian houses. The newcomers from the old country know how to sew, and the newcomers from the Italians don't know, some of them; they did not work in the old country in the tailoring line; they come to learn; so the first thing they come in places where the women are taking out work from shops, and they teach them; they learn them by this work; and there is some children which, even they are in school, yet during the time they are out of school they are also learning. After they get out from school they are already full mechanics and carrying home the coats on their heads, or some of them working in the tailor shop making \$6 a week.

Commissioner LENNON. Those shops, those contractors, those women who teach the others, they get the work from the principals—that is, they go to the principals for it—and then they pay those new immigrants a still lower wage?

Mr. STIEGLITZ. I don't know whether they get paid or not. Maybe they are just learning them. I am not very familiar with that. I never was there when they were paid.

Commissioner LENNON. Do you want to ask any more questions, Mr. Thompson?

Mr. THOMPSON. No, thank you.

Commissioner LENNON. I wish we had a witness who could develop this woman proposition.

Commissioner HARRIMAN. Yes; I do.

Commissioner LENNON. Thank you. That is all.

Mr. THOMPSON. There are one or two of the men who are not here we had billed for to-day. They might know more about it. There are one or two who are spoken of as good English speaking people.

TESTIMONY OF MR. WILLIAM EISENBERG.

Mr. THOMPSON. Will you please state your name, age, residence, and occupation.

Mr. EISENBERG. William Eisenberg; 59 Cannon Street; I am a general tailor.

Mr. THOMPSON. What particular work are you doing now?

Mr. EISENBERG. Doing work as a baster.

Mr. THOMPSON. With what firm?

Mr. EISENBERG. Cossock & Cohen, 125 Spring Street.

Mr. THOMPSON. How long have you been doing basting work for them?

Mr. EISENBERG. Two years.

Mr. THOMPSON. What wages do you get, if it is a weekly wage?

Mr. EISENBERG. Eighteen dollars.

Mr. THOMPSON. How many hours a week do you work?

Mr. EISENBERG. Fifty.

Mr. THOMPSON. Do you know what the difference is, if any, between the wages paid for basters in inside shops and the wages paid by contractors?

Mr. EISENBERG. Yes, sir.

Mr. THOMPSON. What is the difference, if any?

Mr. EISENBERG. If counsel will permit me, I will explain.

Mr. THOMPSON. Go ahead.

Mr. EISENBERG. A baster, or any worker who works for a contractor, generally gets more wages, for the reason that a contractor who is always in the shop, whose people are always working under his own supervision, his work is so divided; that is, I would call it in brief the speed system. The contractor drives every one of his workers; he speeds, and consequently he is able to pay his workers more than the manufacturer, and we turn out more work than the inside shop, naturally. Naturally the contractor is in position to pay his worker in general, not only the baster, but his workers in general, from the baster down to the presser, he is in position to pay them more than the inside shop does, for we turn out more work by the speed system than in the inside shops. On the contrary, the work—to compare in the inside shops where the people are working under the supervision of a foreman, the boss does not come; he comes in maybe once in a month or once a week and just gives a look on the place—and the machinery in the inside shop is so highly developed so that it is not necessarily needed so much help as is needed in the inside, because the machinery turns out just as much work, and it is as necessary for him to drive that man because he turns out the same work, and by it generally if a worker works less he does not turn out so much work; he is not compelled to work so fast; he is willing that he—he is satisfied to work for \$2 or \$3 less a week than the inside. I have worked for a contractor; I have speeded, when I speed all I work my nine hours a day, I know that I honestly earn that money for I do more work, because I am compelled to. It is not a question that I am willing to work on the inside or the outside, because I can not get it. I would be willing to work in the inside shop rather than the outside shop. We know it affects very much upon the health, but it is a question that we can not get it.

If you would permit me, I have carefully listened to everyone who has appeared here; I have listened to our manager, Layner, of the district council, who is the general manager; he said we had 2,600 shops, and out of those most of them are contracting, and a very small percentage are inside shops. This is the reason we can not get into the inside shops, because the manufacturer more rather have outside than inside shops, because he pays him better to have contractors than inside, and you may be sure that if the manufacturer saw there was more profit by an inside shop he would have inside shops. Therefore, we are compelled to work for the inside shops and speed our life out. That is all I have to say.

Mr. THOMPSON. Did you state the number of hours a week you work?

Mr. EISENBERG. Fifty hours.

Mr. THOMPSON. You are a member of the union?

Mr. EISENBERG. Yes, sir; I am a member of the union, as long as I am in America; nine years; and I am a tailor from the old country.

Commissioner O'CONNELL. What part of the old country?

Mr. EISENBERG. Russia.

Mr. THOMPSON. Has the baster a stronger position in the shops than the other workers?

Mr. EISENBERG. The baster is a man, mechanic in the shop. The baster is the one who knows more about the coat than anyone else in the shop, because he is the one who begins the coat, he basts the coat, he fixes up the coat; he is the one who knows everything about the coat, more than anybody else. He is the skilled mechanic and an operator. The presser of those, they are the ones who have immigrated here and who have to learn the trade. Therefore the baster knows more about the coat than anybody else.

Mr. THOMPSON. Is he generally treated better in the shop than the others?

Mr. EISENBERG. No, sir. In fact worse.

Mr. THOMPSON. What?

Mr. EISENBERG. Worse. The one who knows more tries to explain more and therefore he is treated worse than the others.

Mr. THOMPSON. What control has the worker over the sanitary conditions of the shop?

1996 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. EISENBERG. I shall express my honest opinion, a very poor control.

Mr. THOMPSON. Is the sanitary condition of the contractor's shop better than the inside shop?

Mr. EISENBERG. Very bad. I must admit that the sanitary conditions on the inside shops are nothing compared to the outside shops.

Mr. THOMPSON. The inside shops are better?

Mr. EISENBERG. The better sanitary conditions. They are much better than the outside shops; therefore we have very little of the inside shops.

If counsel permits me, I have listened carefully in the line of which labor I am working. I for one who have been working in that line for many years, I for one who have taken an active part in the recent strike and our general strike of 1913, I have visited mostly all of the homes of the Italians, and I have noticed, I have went there with the object that I should see what was there. Never in my life have I seen and I could not believe that things of this kind could be in existence—that is, home work. If counsel and the commission will permit me I will explain.

Mr. THOMPSON. Go ahead.

Mr. EISENBERG. When the big general strike was broken out, we, the active members of the organization, I made up my mind to go to these poor women, these Italian women, who do all, not all, but they do all the finishing work, and I am responsible for every sentence I utter. I went down to Mott Street, where the Italians all live. I found there the families living in two rooms each family, two and three children, at the age of 10 and 12 years. I was astonished to see when a child of 10 years has felled a coat—felling means the sleeve lining, the girl fells the sleeve lining and collar and at the same place pulls out the hasting. I have seen the families living in two rooms, two families living in two rooms, so horrible looking when they felled those coats. When the general strike came out the union put this out as a demand—we have demanded the abolishing of child labor and home work, but to my great sorrow we were not successful in that line. We had many, many demands and we had to go on, on this demand, for the reason the Italian women are very ignorant, I must say, although I am very sorry to say it; they can not conceive how they are threatened; they can not conceive how low wages they are willing to work for, for very low wages. I think they can't help it. I have listened very carefully to one of our manufacturers who said that only 25 per cent of the work is sent out to homes.

This, I must say, is not true. I can prove it. I say that 85 per cent of the work of the finishing, that is of the felling—I want you to understand me clearly—the felling, the bottom, and the sleeve lining and the shoulders, 85 per cent of that line of work is sent out to the homes, and this is made by children 10 and 12 years of age; and if the commission will make this as a matter of their effort to find out here how in the Italian neighborhood they are living they will find my statement is true; 85 per cent is sent out and 15 per cent is in the shop. I admit one of the manufacturers said the reason they sent out the work, and I believe he was very frank in saying it, is because they get the work outside cheaper, because the woman who fells her coat, she gets 5 or 6 cents; and no one, Mr. Goodman, the previous witness, has said before, she lives at home. She has very little, she has very little time to make that work, and she is willing, I know it and I can produce statistics, that a woman in my shop, where my boss sends out all work, earns \$4 and \$5 a week, which is true. And this you must consider, gentlemen, is not steady all year round. I work for a contractor and I have been out of work for the last 14 weeks, and naturally the women have to be out of work, too, and you can imagine how much a woman makes a week during the year on an average.

Mr. THOMPSON. You say that the manufacturers could get all the women they wanted to do the inside work?

Mr. EISENBERG. They can get all the women they need; it is only a question of paying more money.

Mr. THOMPSON. When you say that 85 per cent of the work is done in the home, upon what basis do you make that statement?

Mr. EISENBERG. Upon what basis?

Mr. THOMPSON. Yes; what investigation have you made?

Mr. EISENBERG. What investigation? We know it. First of all, I am a member in the union, and the union does this, makes it its business to investigate how much work is made in the outside shop; and we know it, and they make it under the basis, under the subdivision of piecework.

Mr. THOMPSON. Is the union pretty well organized in these large factories?

Mr. EISENBERG. What?

Mr. THOMPSON. Has the union got a great many members in these large organizations?

Mr. EISENBERG. We are organized, but—well, we are organized on some grounds, but we were successful from the beginning of the strike, but we have almost every shop in Greater New York, the biggest and the smallest, organized, but lately the manufacturers have tried—they made a tendency to send their work out of town. Their tendency is, with the object to weaken the organization, they say to the worker, to the tailor: "If you want to manufacture work for us, for these and these members, for this and this price, we shall not send that work out of town"; and they also tell him, "If you want to work for me, you can not be a union man," and the worker naturally gets scared, and he bends his head down and becomes disorganized; and if he is organized he is not organized by the knowledge of the boss, and therefore their tendency is to weaken the organization; therefore we have not such a big control over the big firms, such as Benjamin and a good many others, Browning, King, and I could name them by the dozen; but we have very good control as J. H. Friedman's people, although not directly but indirectly.

Mr. THOMPSON. I did not want you to mention names, but I wanted to get at how the shops in the large inside factories, where you have not got an organization—how do you find out what proportion of the finishing work goes to the homes and what proportion is done in the factory?

Mr. EISENBERG. That is just as well as we know how many people are organized or unorganized. We know how many people are organized in the big shops and how many of them are not.

Mr. THOMPSON. In other words, you have members in all shops?

Mr. EISENBERG. Yes; all over.

Mr. THOMPSON. That is all.

Commissioner O'CONNELL. I want to get a little more information about employment of women and children.

Mr. EISENBERG. Yes.

Commissioner O'CONNELL. You heard the gentleman just preceding you say that the wages ran from \$2 a week to \$6?

Mr. EISENBERG. Yes, sir; I did. But if you will permit me, this is in regard to the Italian women who take their work out. But we have girls who could not work outside. They must work inside; that is, as button sewers; and they sew on the hanger, and the busheling, those girls are under the supervision directly of the organization, and the organization sees to it that when a member of the organization works, either a man or a woman, he should be treated honestly and justly, and their wages are not as high. The highest is \$10 and \$11, but an average might amount to \$5.

Commissioner O'CONNELL. The average would be \$5?

Mr. EISENBERG. Yes; for women.

Commissioner O'CONNELL. Those are the women working in the factory?

Mr. EISENBERG. Yes, sir.

Commissioner O'CONNELL. Under the union?

Mr. EISENBERG. Yes; under the union. The reason is, the average—because we have a very big slack season. I will try to contradict my own brothers who have—they claim we have a season of a year of around eight months. I say it is not. I think we do not work more than three months in a season; therefore our wages are lower.

Commissioner O'CONNELL. Have you any cases in mind where women and men do the same work exactly?

Mr. EISENBERG. I have.

Commissioner O'CONNELL. How are the wages compared between the men and the women? How much does the man get, and how much does the woman get? How much does the man get more than the woman, or do they make the same wage?

Mr. EISENBERG. Practically; not in all cases. We have heard that women who do the same work as the men, and that is, the women, as a rule, are always willing to work for less money than the men, and we see to it that she should not get less. It is for the benefit of our people that she shall not get less, but the one who does not do the same work as the man usually gets less, as the button sewer and the hanger sewer and so on, but the woman who bastes will get the same money; not many, very few of them. We see she shall get the same wages, because it hurts the man who has to support a family.

Commissioner O'CONNELL. Will they work for piece prices?

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Mr. EISENBERG. Well, we have got a good many of these piece prices, and we have a lot—in most of the shops we have week prices.

Commissioner O'CONNELL. Where the piece prices prevail, do the women get the same price for doing a certain piece of work?

Mr. EISENBERG. Yes, sir.

Commissioner O'CONNELL. Can she do as many pieces as the man?

Mr. EISENBERG. If she sends out more pieces she will get more money, but if she turns out less pieces she has less. Naturally, the woman is weaker and turns out less.

Commissioner O'CONNELL. How about the sanitary conditions? You say you visited their homes and found two families living in two rooms.

Mr. EISENBERG. I am very sorry to say, very poorly.

Commissioner O'CONNELL. How many people did you find living in those two rooms?

Mr. EISENBERG. Well, I have—I have friends of mine here what has been around with me, and I found 10 or 12 people in two rooms living.

Commissioner O'CONNELL. There were two rooms?

Mr. EISENBERG. Well, very small.

Commissioner O'CONNELL. How large were the rooms?

Mr. EISENBERG. Well, very small; I can't tell you just how big they were.

Commissioner O'CONNELL. Were they as large as this room?

Mr. EISENBERG (laughing)——

Commissioner O'CONNELL. Half as large?

Mr. EISENBERG. Neither; I believe, truthfully speaking, it will be a quarter of that room, two rooms; just a quarter of that room.

Commissioner O'CONNELL. A quarter of this room?

Mr. EISENBERG. Yes; the two rooms; there is two rooms, occupy just one quarter of this room, but it was not so high as this.

Commissioner O'CONNELL. Twelve people in each of those rooms, you say?

Mr. EISENBERG. Yes.

Commissioner O'CONNELL. Twenty-four people in those two rooms?

Mr. EISENBERG. Yes, sir.

Commissioner O'CONNELL. How many beds were in the room?

Mr. EISENBERG. Well, I could not tell you how many beds. I have seen one bed. You know what the poor people does? They use a little couch, and if they haven't got another they rest on the floor. They are satisfied to sleep anywhere at all.

Commissioner HARMAN. Where did you say this was, in Mulberry Street?

Mr. EISENBERG. Mott Street and Mulberry Street, around that street. If you go up there in any house you will find it.

Commissioner O'CONNELL. Are these rooms you speak of in some apartment building, or where are they, in flat buildings?

Mr. EISENBERG. I don't know what you call it, a tenement or apartment; I don't know how to name it.

Commissioner O'CONNELL. Is it a tenement house?

Mr. EISENBERG. A tenement house, sir; old building, small houses, renting two or three flats.

Commissioner O'CONNELL. Running water in the room?

Mr. EISENBERG. Yes; there is water.

Commissioner O'CONNELL. Bathtubs?

Mr. EISENBERG. No, sir; nothing like that. They don't know about them; they are glad to have a sink there.

Commissioner O'CONNELL. If there was a bathtub I suppose it would be used for sleeping purposes?

Mr. EISENBERG. I don't know; maybe they just sit on the cover.

Commissioner O'CONNELL. It is not insanitary under the new rules not to take a bath in the bathtub?

Mr. EISENBERG. No, sir.

Commissioner O'CONNELL. That is all.

Mr. THOMPSON. Is Mr. Silverman here?

TESTIMONY OF MR. SAMUEL SILVERMAN.

Mr. THOMPSON. Give us your name and address?

Mr. SILVERMAN. Samuel Silverman.

Mr. THOMPSON. Address?

Mr. SILVERMAN. 3023 West Twenty-third Street, Coney Island.

Mr. THOMPSON. What position do you hold?

Mr. SILVERMAN. Business agent.

Mr. THOMPSON. Of what local?

Mr. SILVERMAN. One hundred and sixty-two.

Mr. THOMPSON. Of the United Garment Workers?

Mr. SILVERMAN. Yes, sir.

Mr. THOMPSON. That is, custom tailors?

Mr. SILVERMAN. Yes, sir.

Mr. THOMPSON. What are the wages that are paid for the different tailors in the custom tailors' trade?

Mr. SILVERMAN. Our work is a single trade, mostly a tailor makes a coat by himself. There is a small number only divided in section parts in the shop, but the majority the tailor makes the coat by himself.

Mr. THOMPSON. As a pieceworker?

Mr. SILVERMAN. As a pieceworker.

Mr. THOMPSON. What is the price for a coat, for instance?

Mr. SILVERMAN. There is from \$2.50 up.

Mr. THOMPSON. Is this supposed to be fancy work?

Mr. SILVERMAN. Yes; high-class custom work.

Mr. THOMPSON. What do they get for a vest and for pants?

Mr. SILVERMAN. I could not tell you, sir; I only represent the coat department.

Mr. THOMPSON. You represent the coat department?

Mr. SILVERMAN. Yes, sir.

Mr. THOMPSON. What kind of shop is this work done in?

Mr. SILVERMAN. Mostly done in the tenement houses, single tailors sitting with a family and working.

Mr. THOMPSON. Do all the members of the family work on the work?

Mr. SILVERMAN. Mostly.

Mr. THOMPSON. Does your organization take in the different members of the family?

Mr. SILVERMAN. No; we don't take in even the principal tailors there.

Mr. THOMPSON. Well, what kind of shops or tenements has your organization got members in?

Mr. SILVERMAN. We haven't got any members from tenement houses; we don't take any members if they work in tenement houses.

Mr. THOMPSON. But where is the work done that your members do?

Mr. SILVERMAN. In the stores.

Mr. THOMPSON. In the stores?

Mr. SILVERMAN. Merchant tailor stores.

Mr. THOMPSON. Merchant tailor stores?

Mr. SILVERMAN. Yes, sir.

Mr. THOMPSON. And those are all paid on piecework?

Mr. SILVERMAN. Some of them is week workers.

Mr. THOMPSON. Is any fining done by the proprietors?

Mr. SILVERMAN. No, sir.

Mr. THOMPSON. Are those stores pretty well organized?

Mr. SILVERMAN. Most of them; the majority.

Mr. THOMPSON. Does their work run in seasons, or is it pretty steady the year through?

Mr. SILVERMAN. Season.

Mr. THOMPSON. How long is the season, or are the seasons?

Mr. SILVERMAN. About three months is a season in our line.

Mr. THOMPSON. How many seasons in a year, two or three?

Mr. SILVERMAN. About six months in a year; three months to a season; two seasons.

Mr. THOMPSON. Is there any effort made by the proprietors of those stores to give work to the workers during the slack season?

Mr. SILVERMAN. What is that?

Mr. THOMPSON. Is there any effort made by the owners of the stores in which the members of your union work to get them other kinds of work, needlework, during the slack seasons, to keep them busy?

Mr. SILVERMAN. No, sir.

Mr. THOMPSON. What do your members usually do during the slack season in order to help their income out?

Mr. SILVERMAN. They go idle.

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- Mr. THOMPSON. What is that?
- Mr. SILVERMAN. They go idle.
- Mr. THOMPSON. Running around idle?
- Mr. SILVERMAN. Yes.
- Mr. THOMPSON. Generally is no effort made by the men to make additions to his income in other trades?
- Mr. SILVERMAN. No, sir.
- Mr. THOMPSON. He simply waits with part work until the busy season comes around again?
- Mr. SILVERMAN. Yes, sir.
- Mr. THOMPSON. How much will a worker earn on coats during the busy season a day?
- Mr. SILVERMAN. A day?
- Mr. THOMPSON. Yes.
- Mr. SHALBMAN. He makes about two or three coats a week.
- Mr. THOMPSON. And gets about \$7.50 a week, then, during the busy season?
- Mr. SILVERMAN. Some, according to coats. There is some coats that pay \$2.50, when the tailor is liable to make \$8, or \$10, or \$12 a week. Some coats pay \$8 or \$10, and he could not make more than a coat and a half or two; that is, according to the price, according to the work.
- Mr. THOMPSON. How much would the members of your union make in a week during the busy season?
- Mr. SILVERMAN. An average?
- Mr. THOMPSON. What is the lowest and the highest they could make?
- Mr. SILVERMAN. The lowest they might make, \$8 or \$9, and the highest is \$20 or \$21.
- Mr. THOMPSON. What would be the average, if you have any information about it?
- Mr. SILVERMAN. About \$10 or \$11.
- Mr. THOMPSON. So that they make during the slack season—during the other six months of the year?
- Mr. SILVERMAN. During the other six months of the year?
- Mr. THOMPSON. Yes.
- Mr. SILVERMAN. \$2 and \$3 and \$4 a week.
- Mr. THOMPSON. Are the members of your union mostly adults—grown up people?
- Mr. SILVERMAN. Yes, sir.
- Mr. THOMPSON. So that they have an average wage, then, say, of \$10 or \$12—\$6 a week during the year?
- Mr. SILVERMAN. Mostly.
- Mr. THOMPSON. Are their wages, as a matter of fact, as low as that?
- Mr. SILVERMAN. What is that?
- Mr. THOMPSON. Are their wages that low on the average?
- Mr. SILVERMAN. Yes; so far.
- Mr. THOMPSON. And yet you say these people make no effort to get other work during the off-season to help out the income?
- Mr. SILVERMAN. So far as I know, they do not.
- Mr. THOMPSON. And you probably would know, wouldn't you, being their business agent?
- Mr. SILVERMAN. Well, sometimes they might try, but I don't know.
- Mr. THOMPSON. I am only speaking generally.
- Mr. SILVERMAN. No.
- Mr. THOMPSON. How many hours a day do they usually work?
- Mr. SILVERMAN. Fifteen.
- Mr. THOMPSON. Are they all organized?
- Mr. SILVERMAN. The majority.
- Mr. THOMPSON. The majority?
- Mr. SILVERMAN. Yes.
- Mr. THOMPSON. What conditions do they have? What are the sanitary conditions of those stores?
- Mr. SILVERMAN. Shorter hours and more money—
- Mr. THOMPSON. (Interrupting). What is that?
- Mr. SILVERMAN. The sanitary conditions?
- Mr. THOMPSON. How are the working conditions? Are the shops clean, or are they not clean?
- Mr. SILVERMAN. In our trade there isn't any sanitary condition. We are supposed to have them, but we have no sanitary condition, because they are

working in a store and in some stores there are no windows. They are working by light during the day the entire year, and no air.

Mr. THOMPSON. Do you have anything to do with the contractors?

Mr. SILVERMAN. Some of them in custom lines.

Mr. THOMPSON. In custom lines?

Mr. SILVERMAN. Yes, sir.

Mr. THOMPSON. What are the wages your workers get in these shops in your line?

Mr. SILVERMAN. Pretty near the same.

Mr. THOMPSON. Pretty near the same?

Mr. SILVERMAN. Yes.

Mr. THOMPSON. What are the advantages, if any, of the workers in those shops—contracting shops?

Mr. SILVERMAN. To get more sanitary conditions.

Mr. THOMPSON. More sanitary conditions?

Mr. SILVERMAN. Yes. More sanitary conditions.

Mr. THOMPSON. Have they got steady work?

Mr. SILVERMAN. No; the same thing.

Mr. THOMPSON. What is the disadvantage to the workers in the contract shops in your trade? The last witness said they speed up the workers in the contracting shop. Is that true—they make them work faster?

Mr. SILVERMAN. Yes; they make them work faster.

Mr. THOMPSON. They do that?

Mr. SILVERMAN. Yes.

Mr. THOMPSON. What does your union do to try to stop that?

Mr. SILVERMAN. Trying to arbitrate.

Mr. THOMPSON. Have you any trade agreement with the contractors or with the custom tailors?

Mr. SILVERMAN. No; we have an agreement with the association, the Metropolitan Association—the Monet Association.

Mr. THOMPSON. Have you got a copy of that agreement here?

Mr. SILVERMAN. No; I haven't got it with me, because I was not prepared.

Mr. THOMPSON. Will you furnish us with a copy of it?

Mr. SILVERMAN. I will.

Mr. THOMPSON. How do you adjust grievances or complaints of the wages under your contract?

Mr. SILVERMAN. By committees.

Mr. THOMPSON. By committees?

Mr. SILVERMAN. Yes, sir; by committees.

Mr. THOMPSON. Who are on that committee?

Mr. SILVERMAN. From both sides.

Mr. THOMPSON. Is it a standing committee? Has it any regular people on it?

Mr. SILVERMAN. No; they are not standing. We call them from both sides whenever trouble comes.

Mr. THOMPSON. What means have you of enforcing that agreement?

Mr. SILVERMAN. What is that?

Mr. THOMPSON. How do you enforce the agreement if it is not kept?

Mr. SILVERMAN. We don't try to enforce.

Mr. THOMPSON. You don't?

Mr. SILVERMAN. No.

Mr. THOMPSON. What do you do if the employer breaks the agreement?

Mr. SILVERMAN. If the employer—

Commissioner O'CONNELL. If the employer breaks it, don't live up to it?

Mr. SILVERMAN. We take him down.

Commissioner O'CONNELL. You take him down?

Mr. SILVERMAN. Yes.

Mr. THOMPSON. Strike?

Commissioner O'CONNELL. How do you take him down?

Mr. SILVERMAN. Call it a strike.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner LENNON. Have you any of this child labor and woman labor under your jurisdiction?

Mr. SILVERMAN. No; we have got it in the tenement houses; the single tailors take out work, for instance, they come in a store for it, the merchant tailor takes out a coat and he takes it for less money than the contractor works at it, and he works home with his family, probably, if they have got some children

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they help him to pull out the baste, and if she is big enough she helps him to feel. Very small money.

Mr. THOMPSON. Have you any idea how much money they earn a day or week?

Mr. SILVERMAN. No.

Mr. THOMPSON. No idea on that, or how they live?

Mr. SILVERMAN. What is that?

Mr. THOMPSON. Have you been in their homes?

Mr. SILVERMAN. No.

Mr. THOMPSON. You don't know how they live at home, whether they are clean at home, or dirty at home?

Mr. SILVERMAN. No sanitary conditions. When a single tailor takes a coat home, he has got two or three rooms in a tenement house.

Mr. THOMPSON. They use the clothing they take out for bedding, do they, and to put over them at nights and keep them warm in the wintertime?

Mr. SILVERMAN. Yes; certainly.

Mr. THOMPSON. If they have sickness in the house, they use this extra clothing?

Mr. SILVERMAN. Very often.

Mr. THOMPSON. Contagious diseases—diseases they can carry out?

Mr. SILVERMAN. It happened once a child burned his hands by the iron when the father was pressing the coat.

Mr. THOMPSON. That is all the witnesses we have here. There is an attorney here who says he would like to speak on this subject. I don't know whether the commission wishes to hear him or not. He is an attorney for the union, and would like to be heard on this case. I don't know whether the commission wants to hear him or not. Otherwise, we are through for the day.

Commissioner LENNON. I think he can be heard to-morrow, in all probability. I think that will be best.

Mr. THOMPSON. There is a contractor here, too, Mr. Chairman, a voluntary witness, who would like to go on the stand.

Commissioner LENNON. All right, let the contractor go on.

TESTIMONY OF MR. CHARLES A. ROSENWASSER.

Mr. THOMPSON. Where do you live?

Mr. ROSENWASSER. Newark, N. J.

Mr. THOMPSON. What is your business?

Mr. ROSENWASSER. Executor of my father's estate, and as such I am conducting his business.

Mr. THOMPSON. What is that?

Mr. ROSENWASSER. A clothing contractor.

Mr. THOMPSON. What is the name of the firm?

Mr. ROSENWASSER. Rosenwasser Tailoring Co.

Mr. THOMPSON. That is located in New Jersey?

Mr. ROSENWASSER. Newark, N. J.

Mr. THOMPSON. Newark, N. J.?

Mr. ROSENWASSER. Yes, sir.

Mr. THOMPSON. How long have you been in that business?

Mr. ROSENWASSER. I beg your pardon, sir.

Mr. THOMPSON. How many years have you been in that business?

Mr. ROSENWASSER. Well, my father was established in the city of Newark for 20 years, and before that he was in the city of New York about 30 years.

Mr. THOMPSON. Where does your work come from as contractor?

Mr. ROSENWASSER. Most of it comes at the present time from the city of New York, but we have also work coming from Newark and other cities.

Mr. THOMPSON. How far is Newark from New York?

Mr. ROSENWASSER. Eight miles.

Mr. THOMPSON. Mr. Rosenwasser, what have you got to say about the contracting shops, as to their sanitary condition?

Mr. ROSENWASSER. I think it is a mistake not to have just a few words from the contractor's side after all the testimony of the other gentlemen.

Mr. THOMPSON. Of course, I want to draw your attention, Mr. Rosenwasser, that we have asked Mr. S. Kaufman, secretary of the United Clothing Contractors' Association, to be here to-day, and subpoenaed him, as a matter of fact.

Mr. ROSENWASSER. I understand. I don't know the gentleman. I am simply trying to say a few words about—to the effect that there is a different side to

this contracting situation. Of course, I speak only from the standpoint of a high-class contractor making high-class work.

Mr. THOMPSON. You do high-class work?

Mr. ROSENWASSER. The very best and finest work that is made. And, of course, the conditions under which this work is made is somewhat different from the conditions described by some of the gentlemen who have spoken. I think that most of the conditions that they have referred to is in the cheaper grade of work, and there is a very great difference in the cheaper grade of work and the higher grade of work, and a great difference in the conditions under which it is made.

Mr. THOMPSON. As to the cheaper grade of work and the conditions they state, are you prepared to contradict what they say?

Mr. ROSENWASSER. I want to contradict the statement.

Mr. THOMPSON (interrupting). Answer my question.

Mr. ROSENWASSER. Yes; there are two or three statements I would like to contradict. I have been familiar with the industry and been in it all my life and am familiar with every—familiar with it from top to bottom.

Mr. THOMPSON. Go ahead.

Mr. ROSENWASSER. I think it is a mistake to let the statements go forward about these women making \$2 a week when they have home work. These women do not work steady. Almost invariably they have means of support; they have a husband who works, and this money is a little extra allowance. Now, I don't want to justify home work. I have fought it in every way, type, and form. I absolutely oppose it. There is only one thing to be said in favor of it, and that is it does bring a few pennies into the pockets of people who need it. Aside from that I have fought it for years and have opposed it for every possible reason.

Mr. THOMPSON. Do you do any of it yourself?

Mr. ROSENWASSER. Absolutely; not 95 per cent nor 85 per cent, but 100 per cent of the finishing work in our shop is sent outside. Why? Because the women will not come in. Pay them more money? I have paid them more money to come in than what I will have to do to give the work out, and they will not come in. Why? Because they have their bambinos—they have six or el in children—and they have this work to do; and in between their household duties they can do this sewing.

Mr. THOMPSON. And you say your work is high-grade work?

Mr. ROSENWASSER. Yes, sir.

Mr. THOMPSON. The very highest grade?

Mr. ROSENWASSER. The best made.

Mr. THOMPSON. And it comes from New York City?

Mr. ROSENWASSER. Yes, sir.

Mr. THOMPSON. How many homes do you send this work to?

Mr. ROSENWASSER. They will vary anywhere from 10 to 20, depending on how much work there is.

Mr. THOMPSON. What kind of families does it go into?

Mr. ROSENWASSER. Almost all in Italian families.

Mr. THOMPSON. Italian families?

Mr. ROSENWASSER. Yes.

Mr. THOMPSON. And you say these families have six or eight children that the women have to attend to?

Mr. ROSENWASSER. They attend to the children and do the work in addition to this.

Mr. THOMPSON. Do you go around into these homes yourself?

Mr. ROSENWASSER. I have gone to many of them a good many times.

Mr. THOMPSON. What are the conditions in those homes?

Mr. ROSENWASSER. They are not by any means as bad as they are in New York City. That is a very different point.

Mr. THOMPSON. In comparison, they are not as bad as they are in New York City?

Mr. ROSENWASSER. No; the working people in the city of Newark live in better conditions than in New York.

Mr. THOMPSON. What conditions do the Italian families live in in Newark where the woman has got six or eight children to take care of? What time does she have to work on these high-class garments in between attending to babies?

Mr. ROSENWASSER. She will have a home that is decidedly better than the home she is in in this city. You will very seldom find more than six families in a house.

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Mr. THOMPSON. How much time do you suppose a woman will have after attending to six or eight children a day?

Mr. ROSENWASSER. Well, that would depend upon how thoroughly she does her housework. I heard the president ask this question: "How much time a woman devotes to this work?" I have timed them. I have made them sit down in my shop and finish a coat, to see how long it takes them, and now I am talking about an overcoat, and there are all kinds and grades of overcoats, and all kinds and grades of work that must be done, and I propose to take an ordinary—what we call an ordinary full-lined coat, which is a perfectly plain coat—and a woman will sit down and finish that coat in one hour, and for that work she will not get more on the finest coats cut than 12 or 13 cents.

Mr. THOMPSON. How often do you go around to these 20 homes?

Mr. ROSENWASSER. Not very often, but I know them pretty well.

Commissioner O'CONNELL. And some of them you have not visited at all?

Mr. ROSENWASSER. Some of them I have never seen.

Commissioner O'CONNELL. You don't know what the conditions are?

Mr. ROSENWASSER. Don't know anything about them.

Commissioner O'CONNELL. Don't know under what conditions these clothes are being made?

Mr. ROSENWASSER. No; except I know the general appearance. Home work ought to be abolished, if not for any other reason except it leads to child labor.

Commissioner O'CONNELL. You don't know whether that home where you send that work has smallpox or not?

Mr. ROSENWASSER. Yes; we have reported to us in the city papers of Newark the homes where contagious diseases break out, and we have made it a rule to know where every one of our finishers lives, and don't allow any work to go to a house where there is a record of any contagious disease in that house.

Commissioner O'CONNELL. Suppose the clothes go out and the case has not been reported until several days after, which sometimes occurs.

Mr. ROSENWASSER. That often happens.

Commissioner O'CONNELL. Have you ever had a case of that kind?

Mr. ROSENWASSER. I have in Newark seen women finishing the coats with a scarlet-fever sign on the door, but there is one thing that steps in between scarlet fever and the fellow who wears the coat, and that is a hot iron. I do not advocate home work; I do not advocate the disinfection of garments with a hot iron. I absolutely oppose home work.

Commissioner O'CONNELL. But the disease may get into the garment after the hot iron was used?

Mr. ROSENWASSER. They don't press them in the homes; they press them in the factory when the garments are brought back.

Commissioner O'CONNELL. What becomes of the germs between the time it leaves the house until it gets to the factory?

Mr. ROSENWASSER. I do not advocate spreading germs; I do not advocate home work, but I do say there is another side of this whole question. And I have done everything I could to abolish it. I have advertised for girls.

There is a way, possibly, that it could be abolished; if our union friends would help us, and they will give it thought, and that is if we could take a garment and if we can take something away from the fellow who is getting too much and give it to the girl who is getting too little.

Commissioner O'CONNELL. Take it away from the fellow who is getting too much?

Mr. ROSENWASSER. Yes, sir. [Laughter in the audience.]

Commissioner O'CONNELL. In the garment trade?

Mr. ROSENWASSER. I am very glad I testified, because it seems, Mr. Commissioner, there are a few things I might tell you.

Commissioner O'CONNELL. Before we get away from this question?

Mr. ROSENWASSER. Yes, sir.

Commissioner O'CONNELL. What did you you refer to?

Mr. ROSENWASSER. I referred to the pocket makers in the industry, the man who makes the pockets.

Commissioner O'CONNELL. How much does he make?

Mr. ROSENWASSER. I have personally paid pocket makers as high as \$30 for 50 hours work, and I might tell you they make more than that on the shop line by piecework.

Commissioner O'CONNELL. And why is it the pocket maker makes more money?

Mr. ROSENWASSER. Because, like this young gentleman, who was so thoroughly satisfied with himself and the fact the basting was the most important

part of the coat, that he is a crackajack, and that he is the whole thing he thinks, and he has got a monopoly. These men have become very skillful.

Commissioner O'CONNELL. They have a clothes union of some kind?

Mr. ROSENWASSER. No; they belong to the same union that all their friends belong to, but they are very skillful. There is no question about that. They have learned to make a pocket in a most marvelous way, and they get well paid for it, very well paid for it.

Commissioner O'CONNELL. Well, that is very interesting. What is there so marvelous about making a pocket?

Mr. ROSENWASSER. Well, in olden times they took a pocket and it was what they called basted, but these young men have got it down to making a mark with chalk and putting it on the machine and doing it without basting, and that is done on the \$30 coat, and those men that buy the \$30 coat don't know it is done any other way than by hand. These men are very clever. I have paid as high as \$30 for a man and \$18 for a girl for that same operation.

Commissioner HARRIMAN. If the work is so skillfully done and the young men so clever, why do you consider they are overpaid? You just said they are overpaid?

Mr. ROSENWASSER. I said that they are overpaid as long as the appropriation, which has got to be divided among 50 people, we will say—and if we have starvation at one end and prosperity at the other end I think something is wrong.

Commissioner HARRIMAN. How do you get that appropriation?

Mr. ROSENWASSER. Unfortunately we do not make it; it is these wealthy gentlemen that went home that make it.

Commissioner HARRIMAN. What do you mean?

Mr. ROSENWASSER. The manufacturers.

Commissioner GARRETSON. How many pocket men are there in proportion to the 20 people employed in another capacity?

Mr. ROSENWASSER. Well, an ordinary shop making 500 coats would not—well, ordinarily, on very fine work, have a staff of about five people making pockets.

Commissioner HARRIMAN. And how many others?

Mr. ROSENWASSER. Well, on pockets?

Commissioner GARRETSON. No; on making these coats?

Mr. ROSENWASSER. Probably in a coat shop making 500 coats a week you will probably have altogether, say, 90 people.

Commissioner GARRETSON. Ninety people?

Mr. ROSENWASSER. Yes, sir.

Commissioner GARRETSON. And five pocket men?

Mr. ROSENWASSER. Pardon me. Every one of those five men does not make \$28 or \$30 a week, because of those five there may be one making \$30, his assistant gets \$22, then a girl getting \$18, and a girl getting \$8, and one girl getting \$7.

Commissioner GARRETSON. If you nail these five pocket people to the cross, how far would it go on the other 90 that are underpaid?

Mr. ROSENWASSER. If you took off—if you were making 500 coats a week and you took off \$5 from a pocket maker and put that onto coats, you have got a penny more to pay the finisher.

Commissioner GARRETSON. A penny more to pay the finisher. That is for the week?

Mr. ROSENWASSER. On every coat. Now, that is simply—I simply speak of that to show you that while it is perfectly true that there are a number of people in the garment industry who are underpaid, there are other people in the garment industry that are overpaid. Not necessarily the mechanic that you have spoken about here, but other people who are engaged in these processes of the garment maker's trade.

Commissioner GARRETSON. If this hired person had \$26, \$28, or \$30 a week and is a man who has developed the skill that you admit that this man has developed in any pursuit, is \$120 a month, provided he worked 12 months in the year, an abnormal wage for an abnormally skillful man in any pursuit?

Mr. ROSENWASSER. No, sir.

Commissioner GARRETSON. Then why is he overpaid?

Mr. ROSENWASSER. He is overpaid until such time arrives that there is enough money to be divided up among the workers so that everyone who does a trick gets something.

Commissioner GARRETSON. He is overpaid in proportion to the people that work for a starvation wage?

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Mr. ROSENWASSER. That is the idea.

Commissioner O'CONNELL. Just a question about your contract. You take a contract for 500 overcoats, we will say?

Mr. ROSENWASSER. Yes.

Commissioner O'CONNELL. And you take a price to put up those 500?

Mr. ROSENWASSER. Yes, sir.

Commissioner O'CONNELL. And you proceed to figure on how much should be paid the help to give you a certain profit on the contract?

Mr. ROSENWASSER. Yes.

Commissioner O'CONNELL. Say 10, 20, or 30 per cent, whatever it is?

Mr. ROSENWASSER. Yes, sir.

Commissioner O'CONNELL. So you divide that up so as to make a profit?

Mr. ROSENWASSER. Yes.

Commissioner O'CONNELL. And wherever it is necessary to cut, you do it?

Mr. ROSENWASSER. Yes.

Commissioner O'CONNELL. You settle the whole question of the wage yourself?

Mr. ROSENWASSER. No; I do not.

Commissioner O'CONNELL. Who does?

Mr. ROSENWASSER. I send for my friend, the shop chairman of the union, and he comes in and we sit down and talk this thing over and decide ourselves, together with the workers, just what is fair, some proportion to give every man for his task and give him enough.

Commissioner O'CONNELL. He knows the amount of money you get for the contract?

Mr. ROSENWASSER. He does not in some places, but he does in my shop.

Commissioner O'CONNELL. Do you sublet?

Mr. ROSENWASSER. No, sir. You mean subcontract?

Commissioner O'CONNELL. Yes.

Mr. ROSENWASSER. No; we don't do that. I simply want to testify to let you know that there were some contractors who are doing business on a very large and honest scale. I have personally paid out in the city of Newark in the last 20 years \$1,000,000 in wages, and still doing business.

Commissioner O'CONNELL. And you are still living?

Mr. ROSENWASSER. Yes; but I don't think this commission should go home and not hear this testimony, that there are contractors that are pretty nearly white.

Mr. THOMPSON. You said you have made an attempt to get girls, you had advertised?

Mr. ROSENWASSER. Yes.

Mr. THOMPSON. How often did you advertise, and about when did you advertise?

Mr. ROSENWASSER. Well, I do that every once in a while, a sort of spasm comes over me that it is about time to stop this home work once more.

Mr. THOMPSON. A spasmodic proposition?

Mr. ROSENWASSER. Yes. I telephone to the business agent of the union and say what are we going to do about this, and he states that he has not got anybody to send to me, and I will advertise, and they will come in and we will teach them for a few days, and then they go home, and it has not been a success with me.

Mr. THOMPSON. Don't you know tens of thousands of girls are working in the shirt-waist factories in this city?

Mr. ROSENWASSER. Yes, sir; without doubt. There seems to be something different. The conditions under which a girl will work and the conditions under which a married woman with children will work. I presume that if we ever could get to the time that a flusher instead of getting 10 cents for a task could get 20 cents, this question would be solved.

Mr. THOMPSON. Then it is simply a question of poor pay?

Mr. ROSENWASSER. I think that has a great deal to do with it.

Mr. THOMPSON. Just exactly what Mr. Goldman said this morning. He felt if they paid more wages they could get the girls inside of the factories, which, of course, is self-evident to anybody that knows anything about the clothing industry of New York City, where thousands and thousands of girls are working?

Mr. ROSENWASSER. There is another question and that is we can not always get enough help. It may be that over here things are different. There is one more remedy which I will take the liberty of pointing out to the commission,

that is, to advise all these manufacturers to leave New York City with their factories. That is one thing. This is no place to make goods and pay wages, when people can live in the city of Newark for \$13 a month and get five rooms and live in a three-family house. What can they do in New York City for rent? Labor conditions are better out there.

Commissioner HARRIMAN. You said in the answer about these girls working in the shirt-waist factories, you said you could not get those girls, they would not come and work as cheaply as married women, is that what you said?

Mr. ROSENWASSER. No; I did not mean that. The finishing work is not interesting. It is a sort of monotonous lot of plain sewing. It is endless. It is not a very nice task, but we are getting away from it, as Mr. Goldman told you, by two things. Much of the machine work that is now being done has done away with this handwork altogether, and whereas a girl would formerly have to seal a bottom of 110 inches in a very long coat and 50 inches down this way [indicating the front] and then up around the sleeves, now the bottom, what we call the facing, is done by machine, and the girl now, all she will have to do after a little while is to do the bottom and the top of the sleeves. That makes it ever so much less of an onerous task, and I think that will help us getting the work done inside. I don't advocate outside work by any means, and it is not what this enthusiastic gentleman told you.

Commissioner LENNON. Do you desire to ask any more questions?

Mr. THOMPSON. Yes; I just want one more question. You said the condition of work of labor in Newark was very good, the best around this part of the country?

Mr. ROSENWASSER. I don't believe I said that. I said the conditions in general, the living conditions surrounding the workers in the city of Newark, are very much better than in New York City.

Mr. THOMPSON. Is Newark a strongly unionized town?

Mr. ROSENWASSER. I think it is.

Mr. THOMPSON. Very strongly organized?

Mr. ROSENWASSER. I don't think the garment industry was very strongly organized until the last garment strike.

Mr. THOMPSON. Generally?

Mr. ROSENWASSER. Yes, sir; I think it is a good union town.

Commissioner GARRETSON. I got a little bit interested in those germs. Assuming that what you do with the hot iron is a true disinfectant, what safeguard is there on these scarlet-fever germs so far as the workers inside of your shop are concerned before the iron gets on them?

Mr. ROSENWASSER. Well, this is—when the coat is brought back from the finisher the very next process is the pressing. I should not say that in every case, because there may be some cases when they come back from the finisher and then they go to the buttonhole maker; sometimes the buttonholes are made before the finishers, and then they go on to the pressing.

Commissioner GARRETSON. Ought not the buttonhole maker have as much protection from these germs through disinfection as the consumer?

Mr. ROSENWASSER. I have no doubt of it. I think it is a positive fact that, and I think, why is it with all the contagious diseases around, especially among the poor—why is it so little is spread with garments?

Commissioner GARRETSON. Is there any statistics to prove that the spreading is done by garments?

Mr. ROSENWASSER. No. I can tell you more of that, but I am not testifying to that now. I have another side of my existence which I will not go into just now.

Commissioner GARRETSON. That is all.

Commissioner LENNON. That is all. The commission will now stand adjourned until to-morrow morning at 10 o'clock to meet in the mayor's reception room downstairs.

(Thereupon, at 3.40 p. m., the commission adjourned until Friday, June 5, 1914, at 10 a. m.)

NEW YORK CITY, June 5, 1914—10 a. m.

Present: Chairman Walsh, and Commissioners O'Connell, Lennon, and Garretson; also William O. Thompson, counsel for the commission.

Chairman WALSH. The commission will please come to order. You may proceed, Mr. Thompson.

Mr. THOMPSON. I will call Mr. Gold.

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TESTIMONY OF MR. JOSEPH GOLD.

Mr. THOMPSON. Mr. Gold, will you give us your name, your address, and the position you occupy?

Mr. GOLD. My name is Joseph Gold; my address is 250 Grove Street, Brooklyn.

Mr. THOMPSON. What do you do as a workman?

Mr. GOLD. Operator. Part of the operating work.

Mr. THOMPSON. At whose factory do you work?

Mr. GOLD. Levy Bros., on Canal Street.

Mr. THOMPSON. Is that called an inside shop or a contractor's shop?

Mr. GOLD. An inside shop.

Mr. THOMPSON. An inside shop?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Not a contractor's shop?

Mr. GOLD. No, sir; not a contractor.

Mr. THOMPSON. Are you chairman of the board of directors of the United Brotherhood of Tailors?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. How long have you been such chairman?

Mr. GOLD. Chairman?

Mr. THOMPSON. Yes, sir.

Mr. GOLD. Since last July.

Mr. THOMPSON. How long have you been a member of the union?

Mr. GOLD. About five or six years.

Mr. THOMPSON. Five or six years?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Are you acquainted with the conditions of inside shops and the conditions of the outside shops?

Mr. GOLD. To a certain extent.

Mr. THOMPSON. To a certain extent?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. What wages are paid generally in the inside shops and on the outside shops? How do those wages compare with one another.

Mr. GOLD. I can say that on the inside shops the wages are usually smaller than on the outside.

Mr. THOMPSON. They are more on the inside?

Mr. GOLD. On the inside they are smaller than the outside shops.

Mr. THOMPSON. Smaller?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. What is the reason, if you know?

Mr. GOLD. Well, the reason is that on the inside shops they have a lot of men that have emigrated lately to this country, a lot of Italians that generally to a certain extent work cheaper than the workmen who are in this country for a number of years. That is one of the reasons. Another reason is that you always find in the outside shops more skilled workmen than you will find on the inside shops.

Mr. THOMPSON. Are the working people in the inside shops generally hired on a weekly basis?

Mr. GOLD. At the present time it is a weekly basis, since after the strike.

Mr. THOMPSON. Is there any driving or speeding up of the workers in the outside shops who are paid on a weekly basis?

Mr. GOLD. They are more specializing than on the inside shops. The general conditions are better on the outside shops to a certain extent, because the inside to a certain extent is not the weekly system, piecework, etc.; and the outside shops, it is weekly system.

Mr. THOMPSON. It was testified here yesterday that in the outside shops there was a stricter supervision of the work of the people, and they are watched closer, and that they are speeded up and compelled to do more work. Is that your view of it?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. On the other hand, we also had testimony yesterday from officials of the union that the union, by its organization of the outside shops, had absolutely eliminated the so-called driving or speeding up?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Well, there are two views there that contradict each other. Which is correct?

Mr. GOLD. In what way do you mean?

Mr. THOMPSON. One witness testified that, in a contractor's shop, there was a speeding up of the working people. A union official testified that the union had such control of the contractors' shops that they had stopped the speeding up.

Mr. GOLD. Yes, sir.

Mr. THOMPSON. I understand from your testimony this morning that they do speed them up?

Mr. GOLD. In the outside shops?

Mr. THOMPSON. Yes, sir.

Mr. GOLD. No, sir; not to such full extent as the inside shops. I agree with the union official here that we have such control in the outside shops that the general speeding up is not so high as it used to be formerly before the union was organized.

Mr. THOMPSON. Then, from your viewpoint, that young man who testified yesterday that the contractor's shop, the one in which he worked, were speeded to do work cheaper than the inside shops because they speeded the people up and were thereby able not only to do the work cheaper but to pay higher wages to the working people, he was mistaken.

Mr. GOLD. In the outside shops, my view is you have the mechanics for use that know the work better and generally the work is done much faster than by the others, than some of the inside men who have apprentices who don't know the work so well as the outside shops. It takes them longer than a man who was in the trade for 18 years or more.

Mr. THOMPSON. Your idea is that the contractors' shops can do the work cheaper and pay the men better wages because they have better mechanics?

Mr. GOLD. To a certain extent; yes, sir.

Mr. THOMPSON. And the inside shops have poor workers and immigrants and therefore the work costs more?

Mr. GOLD. Yes, sir; that is my view to a certain extent.

Mr. THOMPSON. What do you mean you agree to a certain extent?

Mr. GOLD. I mean to a certain extent that they have good help in the inside shops, too, but the reason is they work them for a little price, and for that reason.

Mr. THOMPSON. I didn't understand your answer.

Mr. GOLD. They have got good help on the inside shops, too, but the result is they work them for a very low price.

Mr. THOMPSON. For a very low piece price?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Are any of the inside shops organized that you know of?

Mr. GOLD. Yes, sir; a good many are.

Mr. THOMPSON. Do they have any machinery in there to adjust grievances?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. What inside shops are organized, if you know?

Mr. GOLD. There is Morris Levy & Co. on Broadway; Levy & Schutt.

Mr. THOMPSON. But in the large inside shops that belong to the New York Clothing Trade Association they are not organized, are they, in the sense of having any agreement with the union?

Mr. GOLD. No, sir; not at all.

Mr. THOMPSON. They have no machinery in any of those shops for settling piece prices or adjusting grievances?

Mr. GOLD. No, sir. The last fight that was settled was settled by a commission. The organization did not settle the strike.

Mr. THOMPSON. How long are the seasons that you work, and how many are there?

Mr. GOLD. In my shop in particular?

Mr. THOMPSON. In your shop?

Mr. GOLD. Well, it is about eight or nine months.

Mr. THOMPSON. Divided into two seasons?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Eight or nine months' work?

Mr. GOLD. Yes, sir. We usually have off during January and February and July and August, because we manufacture for the retail trade in the shop I work in.

Mr. THOMPSON. Are you paid on a piece basis or weekly basis?

Mr. GOLD. Weekly basis.

Mr. THOMPSON. What do you get per week?

Mr. GOLD. Twenty-five dollars.

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Mr. THOMPSON. How many hours do you work a week?

Mr. GOLD. Fifty.

Mr. THOMPSON. Those are the union hours?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Are you paid just as much during the slack season or are you laid off?

Mr. GOLD. I am paid according to the hours I make. In the slack season, suppose I make 25 hours, I am paid for 25 hours, \$12.50, of course.

Mr. THOMPSON. About how much work do you have during the slack season, half time or one-third time?

Mr. GOLD. Three or four days; sometimes we close up altogether for two weeks.

Mr. THOMPSON. And, of course, you lose your wages then?

Mr. GOLD. Of course.

Mr. THOMPSON. What is done by the employer, if anything, in your line to help out and get work in the shop, either of the men's clothing kind or other kind of needlework, to give you a full day during the slack season?

Mr. GOLD. The firm I work for do not take any outside work at all. He only makes up what he can sell himself in the retail trade. If times are better we have more work.

Mr. THOMPSON. Are you a married man?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Have you a family?

Mr. GOLD. A wife; yes, sir. No children.

Mr. THOMPSON. How much will you earn on an average during the year, if you know?

Mr. GOLD. During a year?

Mr. THOMPSON. Yes.

Mr. GOLD. Well, I don't think it exceeds \$16 or \$17—\$18 at the most.

Mr. THOMPSON. A week?

Mr. GOLD. Yes, sir.

Commissioner GARRETTSON. Is that for the period only while you work?

Mr. GOLD. No, sir; during the year.

Commissioner GARRETTSON. The average for the year?

Mr. GOLD. Yes, sir.

Commissioner GARRETTSON. What is the advantage, and what are the disadvantages, if any, to the working people from the contract system?

Mr. GOLD. From the contract system?

Mr. THOMPSON. Yes, sir. As it exists in this city?

Mr. GOLD. Well, of course, I for one do not see much good in the contract system. I would rather see it abolished. I think that if all manufacturers would have their own factories the trade could be more standardized.

Mr. THOMPSON. Why? What is the reason?

Mr. GOLD. Well, first of all, the contractors usually compete with one another daily. The result is sometimes workmen have to suffer on account of that.

Mr. THOMPSON. How do the workmen suffer from that competition?

Mr. GOLD. The competition?

Mr. THOMPSON. Do they reduce the wages of the men?

Mr. GOLD. Well, usually the contractor reduces the price of the garment. He usually goes to the men and offers them a reduction of wages. Of course, the union always fights that reduction.

Mr. THOMPSON. But they all have to meet it to go to work?

Mr. GOLD. Yes, sir; they do. Not with the consent of the organization. The organization—we are naturally fighting that.

Mr. THOMPSON. Is there any subcontracting done in New York now?

Mr. GOLD. Yes, sir.

Mr. THOMPSON. Much of it?

Mr. GOLD. Not very much; not since the last general strike.

Mr. THOMPSON. What do you know about home work that is done here?

Mr. GOLD. What do I know about the home work?

Mr. THOMPSON. Yes, sir.

Mr. GOLD. I know in the shops I have been working for the last three years it still exists to a certain extent, quite a large extent. I know in my shop the Italian women, after working all day, usually take work home, some garments.

Mr. THOMPSON. What kind of work do they usually take home to do?

Mr. GOLD. The finishing work.

Mr. THOMPSON. Have you made any study as to whether or not the State factory inspection makes a careful supervision of the work of all the homes?

Mr. GOLD. Well, what I know, so far as my shop, I have never seen any investigation made to that effect.

Mr. THOMPSON. Do you know what kind of homes this work goes to that is taken home?

Mr. GOLD. Of course I do more or less. Some of the women that work in our shop live around Lispenard and Mott, etc., and we all know the homes that exist in that section of the town.

Mr. THOMPSON. And do you think these homes are proper places for clothing to be made in?

Mr. GOLD. No; not at all.

Mr. THOMPSON. Why?

Mr. GOLD. Why, because I think in a house where there is a family with a few children there should be no clothing whatever, because there may be some disease, and it might spread, and then the one that buys the garment will suffer from it.

Mr. THOMPSON. Mr. Gold, I would like you to tell me how the subcontractor works. He takes a contract from the regular contractor?

Mr. GOLD. Yes; the subcontractor works it this way: Usually, for instance, say, in a factory, especially at this time when our trade is a section system, one man is hired to do a certain part of the work. That requires, sometimes, to do that work, five or six men, and sometimes more than that. Of course, he gets help to do that part of the work, and he tries to get the cheaper help, as cheap as possible, and to a certain extent he tries to get apprentices in order to get them at as cheap as possible a rate, for the less it costs him the contractor makes so much more. That is how it works out.

Mr. THOMPSON. Take a certain piece of work that you know of and follow it with the contractor. What is it, pressing or finishing?

Mr. GOLD. Well, if it is in my line—it is mostly subcontractors are in my line or trade—it is pocket making. Pocket maker usually gets—sometimes gets three or four, as I said, help to do a certain part of the work. Of course, he tries to pay them as little as possible, tries to speed them up as much as possible, and if he gets part of the work out for very little, so much more profit for the subcontractor.

Mr. THOMPSON. He makes a price for the work to the contractor?

Mr. GOLD. He makes a price to the contractor, yes; then he makes a price for the men that he engages.

Mr. THOMPSON. Where is that work done, with these men right in the shop?

Mr. GOLD. Yes; they work side by side.

Mr. THOMPSON. In other words, a shop within a shop?

Mr. GOLD. Yes; a shop within a shop.

Mr. THOMPSON. Is the pocket making very skillful work?

Mr. GOLD. Yes; the most skillful work on the garment.

Mr. THOMPSON. And they are the highest paid?

Mr. GOLD. Yes.

Mr. THOMPSON. What will the average pocket maker earn in the city of New York?

Mr. GOLD. The average?

Mr. THOMPSON. Yes?

Mr. GOLD. Well, there are different prices; the week-work system he gets up to \$30, some places more, but not very much more.

Mr. THOMPSON. That is in the busy season?

Mr. GOLD. Yes, sir. Of course, formerly the pocket makers, as I myself for a number of years, used to earn quite good money—used to earn as high as \$40 and \$50 a week. Of course, that money came out of the help mostly. They could not do it working themselves. Then the pocket making as a trade, it is all very dangerous to the eyes. You will find most of the pocket makers must wear glasses. It is very dangerous to the eyes, as I said.

Mr. THOMPSON. But a subcontractor, contracting for making the pockets, would try to hire as cheap help as he could, wouldn't he?

Mr. GOLD. As much as possible. Many times they take apprentices, take people that don't know anything of the trade at all, and break them in. Of course, sometimes they work for a week or two without money at all, then they pay them as little as possible.

Mr. THOMPSON. What will the average pocket maker make for, say, a year, including the slack time and poor time, here in New York?

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Mr. GOLD. Well, to-day, I should say that about \$18 or \$20; that is my estimation.

Mr. THOMPSON. That is the best he can make?

Mr. GOLD. Yes. There may be one or two exceptions, but the general rule would not go higher than \$18 or \$20.

Mr. THOMPSON. In other words, the most skillful work in the tailoring trade in New York City, operating by the most skillful operators, will net the people only about \$18 a week, is that correct?

Mr. GOLD. Of course, it may go higher; if a man works as a subcontractor, then it might go higher.

Mr. THOMPSON. Then he will take the profits from the other workers?

Mr. GOLD. Of course, that is understood.

Mr. THOMPSON. Is there any subcontracting in the union shops?

Mr. GOLD. No; we have abolished it since the last general strike.

Mr. THOMPSON. It was abolished as the result of the strike?

Mr. GOLD. As the result of the strike, of course.

Mr. THOMPSON. By demand of the union?

Mr. GOLD. Yes; that is the idea. This was one of our demands. If you will allow me, I can also say, while the strike was settled with the large associations, those that we haven't got full control of, it was understood then that they would abolish the subcontracting system, but to-day it still exists in those shops. Of course, we have no control and can not do anything to remedy it.

Mr. THOMPSON. Do you think that a law should be passed by the State to abolish home work, or do you think that the union could abolish it itself?

Mr. GOLD. Of course, it would be no harm if there should be such a law. Of course, with the help of the union. The union must do a whole lot to that extent, and help a whole lot to that extent. Of course, the law should be enacted to that effect. It would help them with the organization to abolish it.

Mr. THOMPSON. Is the attitude of the organization opposed to home work?

Mr. GOLD. Positively.

Mr. THOMPSON. Have the unions voted any such laws, or asked for the passage of any such laws by the legislature, either at the present time or in the past?

Mr. GOLD. I think the unions, as much as I know, being connected with this organization, they have always asked for the passage of such laws for a number of years.

Mr. THOMPSON. Have they had any laws drafted by anybody and submitted to the legislature?

Mr. GOLD. If I am not mistaken, there are such laws at the present time, to a certain extent, to abolish home work, but it seems it is not enforced.

Chairman WALSH. Commissioner Lennon would like to ask you a question.

Commissioner LENNON. Do you work with a helper?

Mr. GOLD. I?

Commissioner LENNON. Yes.

Mr. GOLD. One helper.

Commissioner LENNON. Do the pocket makers generally work with one or more helpers?

Mr. GOLD. The union law is that the pocket makers shall work with one helper.

Commissioner LENNON. What do you pay the helper?

Mr. GOLD. I don't pay him anything; the employer pays him.

Commissioner LENNON. The employer pays the helper?

Mr. GOLD. Yes, sir.

Commissioner LENNON. What does the employer pay the helper?

Mr. GOLD. The helper?

Commissioner LENNON. Yes.

Mr. GOLD. My helper gets \$17 a week.

Commissioner LENNON. Well, is the helper an apprentice? Can they become pocket makers themselves after awhile?

Mr. GOLD. In time they do become pocket makers.

Commissioner LENNON. Then, the pocket makers are not all tailors? That is to say, they are not all men who learned the trade originally, either in the old country or somewhere else?

Mr. GOLD. No; they learned the trade in this country, mostly.

Commissioner LENNON. They learned the trade through being helpers and working with other men?

Mr. GOLD. Yes, sir.

Commissioner LENNON. Have you any apprentices in the trade generally? You have mentioned this helper. Now, have you apprentices in the other parts?

Mr. GOLD. Of course, there are apprentices in every part of it.

Commissioner LENNON. How long a time do they have to serve before they get the regular wages?

Mr. GOLD. Of course, especially at this time, when our trade is so divided in parts, it takes them some time before they become a mechanic. Sometimes a man may work for years on a certain part of the work and he would not have any chance to become a mechanic.

Commissioner LENNON. What will he get? Suppose he works a year and makes a good helper, what will he make?

Mr. GOLD. Well, as I said, from \$17 up to \$18; sometimes a dollar less.

Commissioner LENNON. What do they pay them the first three months? Suppose a man comes here from Russia or Italy or somewhere else and wants to go into the tailoring trade and he gets a job somewhere, what will he get the first three months?

Mr. GOLD. Well, of course, he may get from \$6 up to \$8.

Commissioner LENNON. For the first three months?

Mr. GOLD. Yes; for the first three months.

Commissioner LENNON. What kind of work will he be put at?

Mr. GOLD. That is a question of the section of the coat.

Commissioner LENNON. Well, suppose he goes into the pressing department, what will he do?

Mr. GOLD. He will simply press seams. See, this kind here [indicating].

Commissioner LENNON. I know; I am a tailor myself.

Mr. GOLD. That is different.

Commissioner LENNON. Are there any women in your shop?

Mr. GOLD. In my shop, quite a number.

Commissioner LENNON. Do they work as helpers, or how do they work?

Mr. GOLD. They don't work at machines.

Commissioner LENNON. They don't work at any machines?

Mr. GOLD. No; they simply do handwork, sew on buttons and buttonholes, and finishing.

Commissioner LENNON. Are there any women helpers in the pocket-making business?

Mr. GOLD. Not that I know of. Out of town, I am told, there are, but not in New York.

Commissioner LENNON. Will the women in the shop—what kind of wages do they get?

Mr. GOLD. Well, their wage ranges from \$8 up to \$10; some make as high as \$12, \$14; the buttonhole makers, that is, that make the buttonholes in the garments.

Commissioner LENNON. Well, suppose the trade is dull, like it is now; do the women get their share of the work along with the men?

Mr. GOLD. Of course.

Commissioner LENNON. Just the same?

Mr. GOLD. Of course.

Commissioner LENNON. The union won't stand for anything different?

Mr. GOLD. Oh, no; not at all.

Commissioner LENNON. Do you know anything about the finishers who take the work to the homes, what kind of wages they make?

Mr. GOLD. They make, the highest, from \$9 up to \$10; sometimes less than that, too.

Commissioner LENNON. A good deal less than that, sometimes?

Mr. GOLD. Sometimes; yes. Their wages only \$7.

Commissioner LENNON. I understood from some of the witnesses that these finishers who take their work home are nearly all Italian women. Is that true, so far as you know?

Mr. GOLD. Mostly Italian; yes.

Commissioner LENNON. Some of the witnesses told us that these women, when they come over here, they go to work with other women to learn the trade; that is, other women get the work and these women have to come in to even learn to sew; that they don't know how to sew at all when they come from the old country. Do you know whether that is true?

Mr. GOLD. I know that is a fact. It is a custom among the Italians only, as soon as one lands, she has relations or a countrywoman; she takes her along and learns her the trade. A good many don't know how to sew.

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Commissioner LENNON. What kind of wages will those women make when they are learning the trade—when they are being taught the trade?

Mr. GOLD. Sometimes they may make \$3, and sometimes they may not make that, either, for a short time, until they know the trade to a certain extent.

Commissioner LENNON. How do they get the work from the shop? How do they get the work from the factory to their homes?

Mr. GOLD. They come for the work; sometimes the husband comes for the work.

Commissioner LENNON. Haul it in a wagon?

Mr. GOLD. No; they usually carry it on their heads.

Commissioner LENNON. They still have that custom in New York, have they?

Mr. GOLD. Yes.

Commissioner LENNON. I thought it would be abolished when I left here.

Mr. GOLD. It is about time.

Commissioner LENNON. Does nearly every coat that is made in the city of New York—have they to go in these homes to be finished?

Mr. GOLD. No; not exactly; not all.

Commissioner LENNON. Well, what proportion of them have to go in these homes to be finished?

Mr. GOLD. Well, I can safely say about 50 per cent, if not more.

Commissioner LENNON. Well, are there some finishers in the shops?

Mr. GOLD. There are some; yes.

Commissioner LENNON. In the outside shops or in the contract shops?

Mr. GOLD. There are some in the inside, and there are some in the contracting shops, but the trouble is in our case that some manufacturers, as well as contractors, like to save space; don't like to take a large loft to be able to accommodate all; and this is part of the reason. Of course, another reason is that many of them have children and can not do work in the shop and have to do it home in order to be near their children.

Commissioner LENNON. Have you ever been in any of the houses where this finishing is done?

Mr. GOLD. I have.

Commissioner LENNON. In the room where the finishing is done do you ever see a cookstove, for instance?

Mr. GOLD. Why, of course. The chances are—now, I have been once in Mott Street. My father used to own a pants business, and I went for him there to get certain pants he had there finished, and I have seen them sit right around the stove, finishing the garments, being it was a cold day in winter.

Commissioner LENNON. That is, around the cookstove?

Mr. GOLD. Yes.

Commissioner LENNON. I am not speaking of any other stove—I mean the cookstove.

Mr. GOLD. Yes.

Commissioner LENNON. Have you ever been in a room where finishing was being done where there were beds?

Mr. GOLD. Oh, yes.

Commissioner LENNON. And where the clothing of the family was hanging in the room?

Mr. GOLD. Of course. They only have sometimes two rooms, and they can not be anywhere else.

Commissioner LENNON. What have they in the other room?

Mr. GOLD. What?

Commissioner LENNON. What is in the other room? A sleeping room or kitchen?

Mr. GOLD. One room is the kitchen and one room is the sleeping room. And sometimes they may have a sleeping room. Generally they have two or three rooms.

Commissioner LENNON. Is the work all done in one room, as a rule, or do they work in all the rooms?

Mr. GOLD. You know how it is. Many times their children help them; so one works in this room, and the next one in the other room, and that is how it goes on.

Commissioner LENNON. Do you believe in trade agreements between the unions and the employers?

Mr. GOLD. I do.

Commissioner LENNON. Setting the prices and hours of labor and making the conditions under which the work shall be done?

Mr. GOLD. Yes, sir.

Commissioner LENNON. Do you have shop strikes in this city to any great extent?

Mr. GOLD. Oh, yes.

Commissioner LENNON. Before having the shop strike do you have to secure the consent of the union?

Mr. GOLD. To the shop strike?

Commissioner LENNON. Yes.

Mr. GOLD. Yes, sir.

Commissioner LENNON. And you don't have shop strikes without the consent of the union?

Mr. GOLD. No. If the union has control, it must have the consent of the union.

Commissioner LENNON. I am glad to hear that. I have known the time when that was not true.

That is all, Mr. Chairman.

Chairman WALSH. Thank you. That is all for you, Mr. Gold.

TESTIMONY OF MR. JACOB PANKIN.

Mr. THOMPSON. Will you give us your name and address and profession?

Mr. PANKIN. Jacob Pankin; 5 Beckman Street, New York City; I am an attorney at law.

Mr. THOMPSON. How long have you been practicing law in this city?

Mr. PANKIN. Nine years.

Mr. THOMPSON. What were you doing prior to practicing law, if engaged in business?

Mr. PANKIN. Working in the leather-goods business; mechanic in the leather-goods business.

Mr. THOMPSON. How long have you been working at that business?

Mr. PANKIN. Off and on, I guess, for about seven or eight years.

Mr. THOMPSON. In the city of New York?

Mr. PANKIN. In the city of New York. And I have done some work organizing for the International Ladies' Garment Workers' Union in 1903.

Mr. THOMPSON. Were you ever engaged in the needle trades in New York City?

Mr. PANKIN. No; excepting that I have tried to learn the trade some 12 or 15 years ago.

Mr. THOMPSON. You never worked at it?

Mr. PANKIN. I worked at it about two or three weeks.

Mr. THOMPSON. Are you the attorney or have you acted as the attorney for any of the needle-trade unions here in the men's garment trades?

Mr. PANKIN. Yes; I am the attorney for the United Brotherhood of Tailors, and I am attorney for the pants makers' union, and the knee-pants makers' union, and one of the children's jacket-makers' union, and also the ladies' dressmakers' union.

Mr. THOMPSON. As such attorney, have you had communication and dealings with employers?

Mr. PANKIN. I have.

Mr. THOMPSON. And with union officials?

Mr. PANKIN. Yes.

Mr. THOMPSON. And from your position as counsel and attorney, have you learned of the conditions in the men's clothing trade in this city?

Mr. PANKIN. I have.

Mr. THOMPSON. Have you anything that you want to say to the commission in this respect?

Mr. PANKIN. I might say a few things for the commission which might be of some help. I would like to say, in the first place, that the make-up of the trade, of the men's garment trade, is about 90 per cent men, or 80 per cent men, and about 20 per cent women; about 65 per cent are of Jewish extraction, 30 per cent, possibly, or 28 per cent Italian, and the rest mixed, Poles, Slavs, and Russian, largely immigrant labor. There are very few in New York City that are native born that enter into the tailoring business. I don't think I know one in New York City, native born, that takes up the tailoring business as his vocation.

Years ago, Commissioner Lennon, I guess, knows that, that the tailoring business was largely confined in New York City to the Germans, and it was

recently, within the last 25 or 30 years, that the change has come to take place, that the Jews replaced the Germans, and now the Italians are replacing to some extent the Jewish people in the tailoring business, not only as regards the men's clothing business, but as regards the entire needle industry in the city of New York. And it may be said that probably a quarter of a million men and women are employed in the needle industry in the city of New York, or possibly a little more. There is surely about 120,000 in the men's and childrens' trades, and there are 60,000 to 70,000 in the cloak trade, and there are about 30,000 in the ladies' waist and dress trade, and there are about 15,000 or more thousands in what they call the white goods trade. And then there are the smaller trades, such as kimono and wrappers and children's dresses and children's hats and caps. These caps, that is also part of the needle trade. So it can be safely said it is upward of a quarter of a million in New York City. And all of this labor is immigrant labor.

I want to say also that this labor, this immigrant labor, has done a great deal toward bettering the conditions in the trade within the last 10 or 12 years, or possibly a little more than that.

I don't think there is any trade in the city of New York of the proportion that the needle industry is, and hardly any industry in the city of New York is as thoroughly organized as the needle industry in the city of New York is. The cloak makers have a 100 per cent organization, practically. The men tailors have a 90 per cent organization, between 80 and 90 per cent, and the waist and dress makers, probably, also have an 80 per cent to 90 per cent organization. That means that 80 per cent of the people engaged in the trade are organized.

So that this immigrant labor is trying not only to keep up the standard of life of American labor, but, in some instances, tries to exceed it.

I make this statement because of one question put by Mr. Lennon, as to what the effect of the immigrant labor is upon the standard of living, of the American standard of living, and I emphatically say that the immigrant labor that has come to this country is trying to do its very best to maintain the standard of living, and, to some extent, to raise that standard of living.

We have tried very hard in this garment industry to come to some understanding with the manufacturers collectively—not only collectively on our side, but even collectively on the other side. That is, agreement with the associations. In the custom tailoring trade, Mr. Silverman was a witness representing Local 162. He is also a member of the joint board, or Brotherhood of Tailors, and a member of District Council No. 1, of New York City. There are two collective agreements. One collective agreement with the Metropolitan Association of Merchant Tailors, and a collective agreement with the Manhattan Association of Tailors. In that trade there is one great trouble, and that is known as the single tailors.

The single tailors here come into the stores, into the finest stores in the city of New York, garments selling as high as \$60 and \$70 a suit of clothes. They come into these stores and take this work to be done at home. Most of the fine grade of work in New York City is done by single tailors, and that is done in tenement houses, done at home. I remember that we lived on Eighty-second Street in this city, some 10 or 12 years ago. I remember that distinctly. There was a tailor living in an apartment in that house, and they worked, sometimes, as late as 11 and 12 o'clock at night. That was home work, single tailor, working on the highest price garment made in the city of New York.

That is the really great trouble that confronts the custom part of the trade of the needle industry. The single-tailor business. In recent years there has been developed in the city of New York a contract system in custom tailoring. The merchant tailors who advertise custom-made goods, whether they are custom-made garments or not, I really don't know. The large storekeepers contract their work out to contractors, who maintain shops, some as large as to employ in the neighborhood of 100 people.

We also had a collective agreement, and that agreement is still in existence between what we call the East Side Retail Clothing Merchants' Association and the union. This East Side Retail Clothing Merchants' Association employs in the neighborhood of between six and seven thousand people, that is for coats, and they employ probably three or four thousand people on the vests and the pants. That agreement has been in existence for over a year. Well, a year and four or five months, and during the entire time every dispute that has arisen between the union or the members of the union and the members of the association have been settled by the grievance board. The agreement provides for a board of arbitration, but that board of arbitration has never

been organized, because there was really no serious disputes that required the submission of the matter to the board of arbitration, but there were little shop disputes, and those shop disputes were determined and adjusted by a grievance board appointed from time to time. I don't think they have had more than five or six meetings during the 15 or 16 months of that grievance board to adjust the trouble between the 10,000 members of the union and the association.

On the 28th of February, 1913, during the progress of the general strike in which there were some 100,000 people involved in the city of New York in the men and children's garment trade, the manufacturers' association—that is, the New York Clothing Trade Association, together with the New York Clothing Manufacturers, appointed at that time Robert Fulton Cutting, Mr. Marcus M. Marks, and Rabbi Magnus as a commission to adjust certain differences, and in that way settled the strike. It was said here yesterday that the only thing that commission had to do was to fix the hours. In the letter appointing that commission it was also provided that there shall be no subcontracting; that all the people shall return to work; that no discrimination shall be practiced against such men as those who have participated in the strike; that \$1 increase shall be given to each man upon his return to work; that the hours of labor shall be reduced immediately to 51 hours, and then gradually decreased to 53 hours and 52 hours, and at the same time the commission shall make a thorough investigation of the different trade centers in the country and make an effort to standardize the hours of labor throughout the entire country in the men's garment and children's garment industry.

The people were dissatisfied with that arrangement, and the commission was then changed. Mr. Robert Fulton Cutting was then to leave for Europe, and he withdrew from the commission, and Mr. Meyer London, the attorney for the International Ladies' Garment Union, was substituted, and the commission at that time reduced the hours to 53 hours before the people returned. The people refused to return on 54, because 70 per cent of the people at that time were working on a 50-hour basis in accordance with the settlement with the union. The commission has never, to my knowledge, made an investigation, and I am quite sure that no such investigation has been made or I would know of it. That is, an investigation with reference to the hours of labor in the entire country.

On January 1, 1914, the hours of labor were further reduced to 52 hours in the association shop, so that now about 70 or 75 per cent of the people working in the men's and children's garment trade in the city of New York work 50 hours and 25 or 30 per cent work 52 hours in the large shops. As far as the union is concerned, and I have spoken to a great many of the men who are the active people in the organization, they are all in favor of a collective agreement. Of course, with some limitations. The tailor unions of the city of New York feel that collective agreements do help to maintain the organization and to maintain conditions obtained by the organization, but they feel that the right to strike for a violation of agreements on the part of the employers shall not be taken away from the employees, from the unions. What I mean by it is this: That a palpable violation, breach of a contract, of an understanding between the union and the employers, is of such a nature that there could be no dispute about it should not be a matter of arbitration. There is a breach there. And the union in that event should have the right, if it deems advisable, to strike the job, strike the place. But on the whole the tendency in the garment trade, in the entire needle industry, is in favor of collective agreements.

Of course, another great evil in the business is this contract shop; it is almost a miracle that in the contract shops conditions are to some extent better, largely better, than they are in the manufacturing establishment, except in so far as sanitation is concerned; and the reason for this is that the contract shops are usually conducted in the old ramshackle buildings, in the older buildings in the city of New York, while the manufacturing establishments are usually conducted and maintained in the new, large, ventilated, light buildings, so that the sanitary conditions in the inside shops are really better than they are in the contract shops; but so far as the treatment is concerned of the men, as far as the wages are concerned, as far as the hours are concerned, it is peculiar that they are much better in the contract shops than they are in the inside shops. Yet the manufacturer must allow a profit to the contractor, so that the contractor should be able to go along, to maintain his business.

You will find, for instance, cases where the manufacturers have their own shops and they also contract some of their work out, and in the contract shops

the wages are higher than in the inside shops. It is a peculiar phenomena. I suppose it works out because the conditions being better in the contract shops, the people—the workmen naturally drift toward the contract shops, and the contract shops naturally have the better class, better grades of mechanics, because there is not that strictness, there are not so many stringent rules and by-laws, and the chances of getting more wages attracts to the contract shops a better grade of mechanics; and, for that reason, possibly they are in a position to pay better wages, because the mechanics are better—

Commissioner GARRESON. The average is better, although each man may have as expert individuals?

Mr. PANKIN. Yes, sir.

Commissioner O'CONNELL. Can you give us some light on the home workers? You heard some testimony of that yesterday?

Mr. PANKIN. Yes, sir; I did. This home work. I don't know whether any of the commission has seen those women carrying the work home. I have seen them do that time and again. They carry tremendous bundles on their heads. Sometimes I am surprised how their necks will be able to support those bundles.

Commissioner LENNON. I have lived down on Houston and Stanton Streets; I have seen some of them.

Mr. PANKIN. You saw them 20 years ago, perhaps.

Commissioner LENNON. I go there every day.

Commissioner O'CONNELL. The loads have increased, have they?

Mr. PANKIN. I don't think so. This work is generally done by married Italian women. The Italian girls go right in and do the work in the shops. I know many of them; while the married women take the work home. The union has made several efforts to eliminate that sort of thing. The unions are deadily opposed—your commissioners who are members of the unions know just how the unions stand on those things—we want the home life perfectly clean; we want the homes sanitary; but here is a situation that confronts the organization. From time immemorial, so to speak, this custom was in existence, obtained, and what we are trying to do is to educate. It is largely, as I said before, done by the Italians. I have had a conference with the executive board of the Italian local, and we discussed the plan of calling meetings of the husbands of those women and put them to shame.

I have spoken to some clergymen, who are Catholic clergymen, Italians, and asked them whether it would not be possible for them to, from the pulpit, shame the men and women at the same time, and in that way eliminate this awful condition of home work. I have been in the tenement houses. I suppose some of you have also been in the tenement houses. The entire district where the Italians live, in the lower portion of the city, is between Forsyth and Center Streets—Center on the west and Forsyth on the east. Hester, I guess, or Canal in the south, and Bleecker in the north. That entire section has not been changed, to my knowledge, or within my memory, in 25 years. The same old houses that have been there 25 years ago are still there. I don't know of a single new building. Of the new buildings put up there, only a few of them were put up, so that the old-style buildings are there. Only running water, and where the lavatories were in the yards, by law they have been taken up into the building. There are no bathtubs at all that I know of in those old buildings. And here and there possibly a bathtub has been put into those new buildings. They are separated into two and three room apartments, dark rooms.

This work is done largely in that section, between Forsyth, and, as I told you, Center Streets, and then up beginning at Ninth Street and Second Avenue, or First Avenue, some between Second and First, but largely beyond First Avenue, Ninth Street, Tenth Street, Eleventh Street, Twelfth Street, Thirteenth Street, Fourteenth Street, down to the East River. I don't know that section as well, but I have passed through there with a car often, and there are lots of old buildings there, three and four stories, old buildings.

Mr. PANKIN. Anything else, Mr. Thompson?

Mr. THOMPSON. A question has been submitted here that I would like to have you answer. That is, how can the manufacturer making rough tweeds, smoking jackets, bath robes, and overcoats, and not having enough of any one line or grade to conduct a shop, do his business except through contract?

Mr. PANKIN. The question answers itself. If it is possible for the contractor to do that sort of thing why is it not possible for the manufacturer? Now, let's see. Now, in the waist and dress industry—

Mr. THOMPSON (interrupting). I will put this other question—

Mr. PANKIN. I will just explain that.

Mr. THOMPSON. Just one moment. When the manager has special work to do he can pick any special contractor?

Mr. PANKIN. Yes, sir; he can do that. But now I just want to explain that. You take in the waist and dress industries; the manufacturers of waists manufacture dresses and, in some instances, they manufacture suits, and all of the work is done right on the premises. As a general proposition the man who makes or who is able to make a smoking jacket is also able to make an ordinary coat—as a general proposition. The pocket is not much different, the finish on it; there is really no difference, and the operating on the jacket is but very little different, so that he can easily do manufacturing right on the premises. He might have so many workmen for the smoking jackets and have so many workmen for the suits and have so many workmen for the bath robes. There are very few manufacturers, though, who do bath robes, smoking jackets, and suits. The general run is that the manufacturer makes nothing but clothing. Even to that extent there are probably four or five manufacturers in the city of New York who make children's and men's garments. Otherwise a manufacturer confines himself only to children's garments or he confines himself only to men's garments. And there are manufacturers who confine themselves only to spring clothing and do not make any winter clothing—only serges, blue serges, etc.

Chairman WALSH. Mr. Lennon, you would like to ask a question or two?

Commissioner LENNON. Yes. You indicated, Mr. Pankin, that the unions here in the men's garment trade were in favor of collective bargaining and agreements with the employers' association; but you desire to retain the right, if the agreement was broken by the employers, to strike. I understood you to say that.

Mr. PANKIN. Yes; that is the position that I take and I think that is the position of the union.

Commissioner LENNON. What do you understand as being the ordinary policy of the trades-union movement on this subject; the regular policy of the established unions?

Mr. PANKIN. Well, in a great many unions any breach of the contract under the protocol arrangement is submitted to the grievance board, and thereafter to arbitration if the grievance board can not adjust the matter. That has been the policy pursued in the trades where there are collective agreements. Now, I would change that. I would limit the agreement to the extent that if there is a violation of a contract—now, what I mean by it is this: If a union enters into an agreement with an employer and that agreement sets out certain provisions that are to be carried out by the employer and are to be carried out by the union or the members of the union, a breach of any of the provisions of that agreement is not a subject for arbitration. It has already been decided that the provisions shall govern the conduct between the union and the employer.

Commissioner LENNON. In such cases, however, is it not always true that one side says that it is a breach of the agreement and the other side says it is not a breach of the agreement?

Mr. PANKIN. Not always true; it is not always true. It is largely true, but not always true.

Commissioner LENNON. Suppose one side claims it is a breach of the agreement and the other side claims it is not; is it then a subject for investigation?

Mr. PANKIN. Investigation, yes; but not arbitration.

Commissioner LENNON. And not arbitration?

Mr. PANKIN. No; because I don't think that any matter that has already been decided upon shall be submitted to arbitration.

Commissioner LENNON. Suppose the agreement contains a clause for the settlement of disputes by conciliation and mediation or arbitration, then is it not adding another breach to the contract if a union refuses to abide by that clause in the agreement?

Mr. PANKIN. Well, if I drew the agreement I would not draw it that way. I would draw the agreement that any dispute that might arise with reference to any propositions not embodied in the contract should be the subject of arbitration; but such conditions as arise under provisions of the contract shall be subject only to investigation or mediation. Now, if you allow me, Mr. Lennon, the reason I am in favor of that proposition is this: We have had the experience in some of the trades connected with the needle industry, where there are sometimes breaches of a contract by an employer who is a member of the association; and by the time we are ready with the decision made by the board

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of arbitration the people who have been aggrieved are no longer in the shop, or the season is over, and nothing can be done.

Commissioner LENNON. Well, that is because of faulty machinery; that is not the fault of the agreement itself. If you maintain the position that under an agreement if the union finds according to their own conscience that the agreement has been broken and the union has a right to strike, then you must concede, or do you concede, that if the employer claims that the agreement has been broken by the union he has a right to lock everybody out?

Mr. PANKIN. I think what is fat for the goose is fat for the gander.

Commissioner LENNON. Well, then, how long would you anticipate your agreements would last?

Mr. PANKIN. Our agreements probably would last and be more efficient under such a state of affairs than they would be—well, they probably might not last as long, but maybe would last longer, but they would be more efficient than other agreements. Where both sides know they have got to live up to their provisions of the contract—they have to take the consequences—they live up to them. I believe if an agreement—that if a union enters into an agreement with an employer, that agreement should be carried out to the letter or they should not enter into the agreement. And I think if the employer enters into an agreement, he ought to carry out that agreement to the letter. The great trouble is that a great many employers and a great many manufacturers—not the majority of them, but a goodly number—make use of the associations to their own advantage. I have had that experience.

Commissioner LENNON. Have you in mind that you could draft an agreement that is not subject to different interpretations on vital points, for instance?

Mr. PANKIN. Yes. Of course you can set down a question of hours, you can set down the question of the employment of union men, without a question of interpretation. He is either a union man or is not a union man. The employees are either working 50 hours or they are not working 50 hours. The employer is either giving the minimum scale or is not observing the minimum scale. For instance, the ladies' waist and dress industry, the minimum scale was \$6 a week. That is the lowest wages to be paid to girls—mark you, the most inexperienced girl, the girls who pull the bastings, the girls who do the trimming, being just able to cut away the threads—the minimum wage was \$6 a week, not less; but that no girl employed in the waist dressmaking industry shall receive less than \$6 a week. Now, then, Mr. Stone showed that there were a great number—I don't remember exactly the figures, but somewhere up in 30 or more per cent—getting less than \$6, less than \$5, a week, contrary to that provision. I say that is a breach of the agreement on the part of the employers. There can be no dispute that \$6 is the minimum wage and that if he pays less than \$6 he reads himself out of that agreement. That is the way I feel about it.

Commissioner LENNON. And you hold that under the agreement that the proper way to right that wrong is to go on a strike?

Mr. PANKIN. The proper way to right that wrong is this, to tell him, "If you don't pay the minimum scale you read yourself out of that association," not to leave it to arbitration as to whether he shall pay the difference or not. Now, here is another experience, under this protocol the employers were to pay for legal holidays. There was no question about that. But they did not pay for the legal holidays and we had to submit that to arbitration and it was two months before we got a decision from the board saying as to whether the money should be paid or not. Many of the people had left the job. Some of the people had left New York. Some of them had got disgusted.

Commissioner LENNON. That is all, I think, Mr. Chairman.

Chairman WALSH. Did you want to ask something, Mr. Garretson?

Commissioner GARRETSON. Yes. Going a little further, Mr. Pankin, with this question of arbitration; isn't the question of fact as to whether or not the agreement has been breached properly a question of arbitration?

Mr. PANKIN. I think it ought to be investigated.

Commissioner GARRETSON. If it is investigated how would a decision be reached? For instance, a manufacturer or employer who is a member of the association and a party to the agreement which is collectively made, if that manufacturer fails to pay, in a certain instance, or the agreement provides he shall pay, isn't the association of which he is a party entitled by right to pass upon the question of whether or not he has conformed and to use its own methods to compel performance?

Mr. PANKIN. That is just what I said a moment ago. Where there are ordinary provisions of the contract and he breaches the ordinary provisions of the contract—the association or the union shall tell this man “Here, you live up to this agreement,” after investigation is had; “If you don’t you will read yourself out of the contract—read yourself out of that provision of the protocol.”

Commissioner GARRETSON. If after arbitration is had and the man then does not conform, isn’t your right clear then to go on a strike?

Mr. PANKIN. You see, it is a cumbersome way to arrive at the right to have a strike. It may take three months. Mr. Lennon says it is a question of machinery, but if you have any grievance brought up and you have your clerks make your investigations and then going to the grievance board, and then you are going to the arbitration board, and the arbitration board meets sometimes no more than once in three months, and by the time the board of arbitration hands down the decision the point gained is no longer a gain.

Commissioner GARRETSON. Isn’t the record fairly established that the organizations that have gone off half-cocked have died in the process, while those that have used the cumbersome methods have survived and established both power and reputation?

Mr. PANKIN. In answer to that I want to add this, Mr. Garretson—Brother Garretson—it is this; It seems to me that there is always a desire on the part of the employers, on the part of the corporations, on the part of the manufacturers to treat with the unions, and that it is due to this fact that there is an underlying tendency on the part of the workers toward organization, and the manufacturers and employers, realizing that the workpeople in this country are coming to their senses, want to get the best deal they can from the employees.

Commissioner GARRETSON. It is fair to assume that the average employer, contractor, or manufacturer is not dealing with the union because he loves the union itself. It is because, is it not, that it is probably the least costly horn of the dilemma?

Mr. PANKIN. That is about the size of it.

Commissioner GARRETSON. But, on the other hand, is it not the part of wisdom on the part of the men to establish once and for all the fact that they won’t use the last weapon, the strike, until other means have been invoked and have failed, whatever that may be?

Mr. PANKIN. I agree that no union shall strike for strike’s sake. I believe that every union should do its best to eliminate, as far as possible, the possibilities of strikes and try to settle everything; but, I say, wherever there is an agreement arrived at between employers and unions, the agreement shall not be the subject of arbitration. It may be the subject of investigation and mediation, but not arbitration. I mean those things that are definite in the agreements.

Commissioner GARRETSON. In your experience in writing agreements you seem to have attained a success that I have never been able to attain. I have been writing them and doing not much else for 27 years, and I have never seen one written yet, nor have I ever been able to write one, on any clause of which two interpretations could not be placed; and I have arbitrated many times, although in all the trade agreements I am connected with not one provision for arbitration is included. I have arbitrated many times as to the interpretation of a clause.

Mr. PANKIN. But there are certain clauses that are not the subject of interpretation.

Commissioner GARRETSON. May not be.

Mr. PANKIN. Need not be interpreted. The question, as I say, of employing union men or the question of hours or the maximum hours, or the maximum hours and minimum wage. These are common things, and these are not things that should be arbitrated or interpreted. They are set and fixed.

Commissioner GARRETSON. Now, this one-man tailor—

Mr. PANKIN. Single tailor.

Commissioner GARRETSON. Suppose the one-man tailor, the man who comes into a custom shop and takes work out. He has no use for the union because he wants to work long hours. Moreover, does he use members of his family also or associates?

Mr. PANKIN. Yes. He sometimes has a helper and oftentimes his wife, and if there are children they will help him along.

Commissioner GARRETSON. That is all.

Mr. THOMPSON. One more question. You are a lawyer, are you not?

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Mr. PANKIN. Well, so the State board says.

Mr. THOMPSON. You know that many able lawyers, judges of our supreme court, differ on the construction of laws?

Mr. PANKIN. Yes; I should say so. They never agree, it seems.

Mr. THOMPSON. And you also know that when a question of fact is to be decided under a contract or a law that it becomes a matter for a jury?

Mr. PANKIN. Questions of fact are supposed to be submitted to a jury.

Mr. THOMPSON. Now, if a question of construction of a contract arises, why is it not proper to submit it to a board of arbitration and mediation, and if it is a question of fact as to whether or not the contract as drawn has been violated, why should not that be submitted to a jury sitting as a board of arbitrators?

Mr. PANKIN. If it is a question of law—you see the question of the construction of a contract becomes a question of law. As to whether any single thing was done or not done would be a question of fact. Now, I say in response to this as a lawyer I know a great many people refuse to pay their bills—

Mr. THOMPSON (interrupting). Well, but—

Mr. PANKIN (interrupting). Excuse me just a moment. I will answer it shortly. They refuse to pay their bills and of course that necessitates the person aggrieved coming into a court and the defendant then is entitled to a trial by jury, and the defendant knows and the plaintiff knows and the jury immediately knows that it is a cooked-up defense. That is all.

Mr. THOMPSON. What you really think, then, Mr. Pankin, is that the machinery should be such as that these matters of grievance may be taken up and decided before they become serious?

Mr. PANKIN. Yes; except I do not believe an absolutely decided point should be the subject of arbitration.

TESTIMONY OF MR. MEYER SCHOENFELD.

Mr. THOMPSON. Give us your address.

Mr. SCHOENFELD. 62 Second Avenue.

Mr. THOMPSON. What is your present occupation?

Mr. SCHOENFELD. I am acting in the capacity of advisor on labor matters to the employers in the garment trade.

Mr. THOMPSON. Have you any title?

Mr. SCHOENFELD. Well, the title is Clothing Trades' Bureau of Sanitation and Information, which is organized as a means of information for employers and employees in my branch of the trade on labor matters.

Mr. THOMPSON. It is organized under the name of the Bureau of Sanitation?

Mr. SCHOENFELD. Yes.

Mr. THOMPSON. Now, are you paid a salary?

Mr. SCHOENFELD. I am paid a salary, and I am paid by the individuals.

Mr. THOMPSON. Who pays your salary?

Mr. SCHOENFELD. The association.

Mr. THOMPSON. What association?

Mr. SCHOENFELD. American Association.

Mr. THOMPSON. What is the full name?

Mr. SCHOENFELD. American Clothing Manufacturers' Association.

Mr. THOMPSON. How long have you been organized?

Mr. SCHOENFELD. About a year or 14 or 15 months.

Mr. THOMPSON. What were you doing before that, Mr. Schoenfeld?

Mr. SCHOENFELD. Before that I had been in the trade as an operator about 9 or 10 years.

Mr. THOMPSON. What were you doing the year preceding your taking this position?

Mr. SCHOENFELD. Just now?

Mr. THOMPSON. The year before you took this position?

Mr. SCHOENFELD. I have been following up the conditions of the clothing trade in the city and outside.

Mr. THOMPSON. I mean before this present time this—

Mr. SCHOENFELD (interrupting). I have been publishing a newspaper.

Mr. THOMPSON. What was that published by?

Mr. SCHOENFELD. A corporation—a weekly publication.

Mr. THOMPSON. Was it run by any organization?

Mr. SCHOENFELD. No; by a corporation.

Mr. THOMPSON. Whom did that corporation represent—anybody particularly?

Mr. SCHOENFELD. No; just a membership corporation.

Mr. THOMPSON. Was it maintained by any association or union?

Mr. SCHOENFELD. No, sir; neither by the employers nor the union.

Mr. THOMPSON. What were you doing before that, Mr. Schoenfeld?

Mr. SCHOENFELD. Before that I was connected with an institution known as the Baron de Hirsch Fund.

Mr. THOMPSON. That was philanthropic?

Mr. SCHOENFELD. Yes, sir.

Mr. THOMPSON. For how long were you with them?

Mr. SCHOENFELD. About eight years.

Mr. THOMPSON. What did you do with the Baron de Hirsch Fund?

Mr. SCHOENFELD. Investigating industrial conditions.

Mr. THOMPSON. At that time were you working for the union?

Mr. SCHOENFELD. No, sir.

Mr. THOMPSON. That takes you 10 years previous to the present employment?

Mr. SCHOENFELD. About nine years.

Mr. THOMPSON. Have you ever been connected with the unions in the garment trade in New York City?

Mr. SCHOENFELD. Yes, sir.

Mr. THOMPSON. For how long?

Mr. SCHOENFELD. First, I have been working at the trade under the system that was then really known as the sweat-shop system. I left the machine after being in the country 10 years and helped organize that organization which is now in existence as the United Brotherhood of Tailors, and I have been affiliated with that organization and quite active for about nine years; and that brings me to these years after I received the position with the Baron de Hirsch Fund.

Mr. THOMPSON. What position did you occupy? Were you president or organizer with the union?

Mr. SCHOENFELD. From 1892—no; from 1891 up until 1898 I was known as the organizer of the United Brotherhood of Tailors; and the last two years I was known as the organizer for the national association known as the United Garment Workers of America.

Mr. THOMPSON. That is a present organization?

Mr. SCHOENFELD. Present organization.

Mr. THOMPSON. Mr. Schoenfeld, you have been asked to come here by Mr. Kaufman in his place on the program?

Mr. SCHOENFELD. I have been asked by a committee of contractors, yesterday morning, whether I would be willing to appear for the contractors at this hearing. I have answered that if I will be asked by the commission that I will gladly appear.

Mr. THOMPSON. Well, we are glad to have you here, Mr. Schoenfeld. Now, do you know of the United Clothing Contractors' Association?

Mr. SCHOENFELD. Yes, sir.

Mr. THOMPSON. Do you know the membership of that association?

Mr. SCHOENFELD. The membership of the United Clothing Contractors' Association—the coat contractors, about 250.

Mr. THOMPSON. How much the pants contractors?

Mr. SCHOENFELD. Well, the pants contractors at the present have not got a close affiliation with the United Clothing Contractors' Association—nor the vests.

Mr. THOMPSON. Then the membership instead of being between 500 and 600 is only about 200?

Mr. SCHOENFELD. About 250 members of the association.

Mr. THOMPSON. What is the nationality of the membership of the association, if you know?

Mr. SCHOENFELD. I should say about 95 per cent Jewish.

Mr. THOMPSON. And the rest Italian?

Mr. SCHOENFELD. No; only about half a dozen Italians, but quite a number of Lithuanians.

Mr. THOMPSON. What proportion of the coat contractors, whom you say are in this association in the city of New York, are in your association—what percentage?

Mr. SCHOENFELD. According to our best statistics, if I may add my personal knowledge, there are in the trade about 350 to 400 coat contractors, not more. I base my information from the manufacturers, as the employers of the contractors, and they ought to know best how many they have.

Mr. THOMPSON. What is the reason that the vest contractors or pants contractors are not affiliated with the United Clothiers' Association?

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Mr. SCHOENFELD. We had an agreement, but recently certain interests, or a certain policy pursued by the one branch of the trade, which has not been invariably taken up by the coat contractors, so we are not now as a unit.

Mr. THOMPSON. Can you state this briefly—the reason?

Mr. SCHOENFELD. Well, yes. The pants contractors have taken sides* as middlemen between the manufacturers and the unions, or the workmen, and they have to some extent formed certain alliances with the union to which the coat contractors did not agree at the time.

Mr. THOMPSON. What is the nature of that alliance? And why do the pants contractors favor it, and why do the coat contractors disagree with it?

Mr. SCHOENFELD. Why the pants contractors favor it I can not say, because I do not speak for them. Why the coat contractors do not I can answer that.

Mr. THOMPSON. Answer that.

Mr. SCHOENFELD. The contractor being considered and known as the middleman, finds it to his advantage not to take sides, neither with his employer, the manufacturer, nor with the organization that represents his employees; that he should assume a neutral position, siding neither with the employers' organization nor with his employees.

Mr. THOMPSON. What attitude does the union take in this respect, if you know?

Mr. SCHOENFELD. Well, the union is sufficiently represented here; I think that question should be answered by them.

Mr. THOMPSON. Do they make any demands?

Mr. SCHOENFELD. On what?

Mr. THOMPSON. On the coat contractors?

Mr. SCHOENFELD. For what?

Mr. THOMPSON. Do they make any demands on the coat contractors?

Mr. SCHOENFELD. Yes, sir.

Mr. THOMPSON. In respect to that question?

Mr. SCHOENFELD. Not in respect to that question; not that I have heard of.

Mr. THOMPSON. Then, the question never has been brought up, really, to the coat contractors; no demand of the union has been made on them?

Mr. SCHOENFELD. By individuals, but I doubt whether they were speaking for the organization. Individuals may have suggested personal opinions on both sides.

Mr. THOMPSON. What would be the nature of the demands or the affiliation that the union would want with the contractors as against the employers?

Mr. SCHOENFELD. You mean the manufacturers' association—that they were to come to an understanding?

Mr. THOMPSON. Yes.

Mr. SCHOENFELD. Well, it would mean that the contractors would be used by the organizations, or the contractors would use the workmen's organizations as a weapon against the manufacturers.

Mr. THOMPSON. Well, how?

Mr. SCHOENFELD. If the contractors—

Mr. THOMPSON. How would a contractor be used by the union against the employers?

Mr. SCHOENFELD. In the first place it could be used in a way that, by having an alliance between the contractors and the union, they could raise prices just at their will on the manufacturer. And that answers it; that answer ought to be sufficient why many responsible contractors do not favor it.

Mr. THOMPSON. At least, you think it is sufficient?

Mr. SCHOENFELD. What?

Mr. THOMPSON. You think it is sufficient, anyway?

Mr. SCHOENFELD. Well, it would be unfair. There are three elements in the trade—the workmen, the contractors, and the manufacturers—and it is unfair that two shall unite against one, just as it would be if the manufacturers were united with the contractors against the workmen.

Mr. THOMPSON. Do you think it is possible for the three elements, as they are in the trade, as you have named them, to exist at the same time and not to have an understanding between two of them in reference to the other?

Mr. SCHOENFELD. It would be unfair, and it would not be lasting.

Mr. THOMPSON. Don't you believe that there is at least an understanding between either the contractor and the union or the contractor and the employer?

Mr. SCHOENFELD. There is not.

Mr. THOMPSON. There is none?

Mr. SCHOENFELD. There is no such understanding of any account.

Mr. THOMPSON. Where does the contractor get his work from?

Mr. SCHOENFELD. From the manufacturer.

Mr. THOMPSON. Has the manufacturer the liberty to pick any contractor he pleases?

Mr. SCHOENFELD. Whether he is at liberty to pick?

Mr. THOMPSON. Yes.

Mr. SCHOENFELD. It is not a question of liberty; it is his absolute right. Certainly he does, and the contractor has his liberty to pick his manufacturer for whom he should work.

Mr. THOMPSON. But if the contractor gets work from a manufacturer—

Mr. SCHOENFELD. (interrupting). Yes, sir.

Mr. THOMPSON. It has got to be at the instance of the manufacturer?

Mr. SCHOENFELD. What am I to understand, "at the instance?"

Mr. THOMPSON. That the manufacturer wants him for his contractor?

Mr. SCHOENFELD. Yes, sir; naturally it takes two to make a bargain.

Mr. THOMPSON. Sure; and under those conditions where the manufacturer picks the contractor, still you believe that there should be no understanding between the contractor and the manufacturer as to what attitude they should take toward the organization or the union?

Mr. SCHOENFELD. No, sir; this question does not come up at all. The manufacturer looks to the contractor to turn out the goods in time and in good shape.

Mr. THOMPSON. That is what you think?

Mr. SCHOENFELD. That is what I think, to the best of my knowledge.

Mr. THOMPSON. You are handling the labor end for the contractors and manufacturers?

Mr. SCHOENFELD. I am not handling—

Mr. THOMPSON. (interrupting). In your bureau of sanitation?

Mr. SCHOENFELD. I am not handling anything. I am acting, as I said, in an advisory capacity to individual employers and the association on labor matters.

Mr. THOMPSON. And from that position you don't know of any understanding in regard to the matter we have been speaking of?

Mr. SCHOENFELD. If there would be an understanding I would know it.

Mr. THOMPSON. You would know it?

Mr. SCHOENFELD. Yes, sir.

Mr. THOMPSON. And yet you say there is not any?

Mr. SCHOENFELD. There is not any.

Mr. THOMPSON. Why did you call this bureau of yours the bureau of sanitation instead of the bureau of labor?

Mr. SCHOENFELD. There is a certain work we are doing, so far, as sanitation. It has not developed yet to the extent I would like.

Mr. THOMPSON. When you come to name the work you are doing, you say you are doing labor work?

Mr. SCHOENFELD. You have not touched that question yet.

Mr. THOMPSON. I asked you what work you are doing.

Mr. SCHOENFELD. Sanitation and labor matters are one thing. The labor organizations use the sanitary question as the forerunner to all matters.

Mr. THOMPSON. That is your answer, is it?

Mr. SCHOENFELD. Yes, sir.

Mr. THOMPSON. What is the object, if you know, of the contractors' association?

Mr. SCHOENFELD. What their object is?

Mr. THOMPSON. Yes.

Mr. SCHOENFELD. The object of the contractors' association, as an association, is a defensive position against any unjust demands, either from their workmen or from their employers.

Mr. THOMPSON. In regard to matters of sanitation, I presume?

Mr. SCHOENFELD. No, sir; that does not come into that.

Mr. THOMPSON. It does not?

Mr. SCHOENFELD. No, sir; this does not come into that.

Mr. THOMPSON. Who supports the sanitation part of your bureau, which you say is the important end of it?

Mr. SCHOENFELD. I am attending to that.

Mr. THOMPSON. Who pays you for it?

Mr. SCHOENFELD. The manufacturers.

Mr. THOMPSON. The manufacturers pay for it?

Mr. SCHOENFELD. Yes, sir.

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Mr. THOMPSON. From the association or individuals?

Mr. SCHOENFELD. Individuals and the association.

Mr. THOMPSON. It is a sort of philanthropic work, then?

Mr. SCHOENFELD. No, sir; not exactly. It is to prevent false pretenses in the times of strike on the sanitation question.

Mr. THOMPSON. Then it is a part of the labor trouble?

Mr. SCHOENFELD. Yes, sir; I have said sanitation and the labor trouble go together in the needle industry.

Mr. THOMPSON. It is not for the purpose of making shops more sanitary, but for the purpose of presenting the employers' side of sanitation?

Mr. SCHOENFELD. I didn't say so.

Mr. THOMPSON. Didn't you say that just a moment ago?

Mr. SCHOENFELD. If you will repeat the question and answer, I will know what you are getting at now.

(The former questions and answers on this subject were read by the reporter.)

Mr. THOMPSON. I think the position is plainly stated.

Mr. SCHOENFELD. Yes; but you have not asked for what the sanitation part of the work is.

Chairman WALSH. I understood you to say that the sanitation part of it was to present fairly the employers' side of the sanitation, when it is used against them in labor disturbances, is that correct?

Mr. SCHOENFELD. And to disprove it.

Chairman WALSH. And that is where the sanitation part comes in?

Mr. SCHOENFELD. Yes, sir.

Chairman WALSH. In your particular work?

Mr. SCHOENFELD. Yes, sir.

Chairman WALSH. That settles it.

Mr. THOMPSON. That is all I have.

Chairman WALSH. Do you want to ask any questions, Commissioner Garretson?

Commissioner GARRETSON. Yes; I want to ask a question or two.

The paper you published was a trade journal?

Mr. SCHOENFELD. No, sir.

Commissioner GARRETSON. You stated that there was no understanding between the employer and the contractor in regard to the questions that may arise between the unions and the individuals on that subject?

Mr. SCHOENFELD. No, sir; there is not.

Commissioner GARRETSON. Is it not true that the logical position of the contractor and the manufacturer, as an employer, are exactly the same whenever these questions arise and you do not need any understanding?

Mr. SCHOENFELD. It is not so in the clothing trade?

Commissioner GARRETSON. No?

Mr. SCHOENFELD. No, sir; because in the clothing trade, the contracting situation is different from the contracting line in any other trade.

Commissioner GARRETSON. How is it?

Mr. SCHOENFELD. The contracting system in the clothing trade is the stepping stone for the mechanic to become a manufacturer, and the contractor of to-day is apt to be a union man of yesterday; and you will find 25 per cent of the contractors of to-day, that they were strong union men a year or two or three or five or ten or fifteen years ago.

Commissioner GARRETSON. Have you noticed, though, when they get to the stage where they are employers, the unions, their union principles never get in the way of their profits?

Mr. SCHOENFELD. Well, as employers, naturally, they have a right in their acting, in a way, as it is to their interest.

Commissioner GARRETSON. I am not questioning the right; I am asking you in regard to the fact?

Mr. SCHOENFELD. As individuals, as contractors, but there is no understanding with the manufacturers.

Commissioner GARRETSON. Isn't their interest as the employers of men exactly the same without any understanding?

Mr. SCHOENFELD. Naturally so; there is no understanding.

Commissioner GARRETSON. So they just follow the same course of action from self-interest without any understanding?

Mr. SCHOENFELD. With the contractor it is a different situation. He is the middleman between the manufacturer and his employees, and he would not

and should not take sides either with the manufacturer or with his employees as an organization.

Commissioner GARRETSON. Still his interest lies in how cheap he can get his men just as the manufacturer's interest lies in how cheap he can hire his men?

Mr. SCHOENFELD. Just as it is to the interest of the workmen how much money he can get. It is the daily occurrence between labor and capital.

Commissioner GARRETSON. And isn't he naturally allied against them in exactly the same way?

Mr. SCHOENFELD. No; because in many instances, if a contractor should make an attempt to reduce wages from his employees, it is very apt that the manufacturer for whom he is working will just on account of that reduce the pay of the contractor. Therefore the contractor does not take that position.

Commissioner GARRETSON. Well, the department of sanitation is not used to disinfect that method, is it?

Mr. SCHOENFELD. No; this was for the purpose of disprove false pretenses on the part of unions in creating issues which are not true and inconsistent.

Commissioner GARRETSON. False statements and false representations entirely in your experience are confined to unions?

Mr. SCHOENFELD. Occasionally they are practiced on all sides.

Commissioner GARRETSON. That is all.

Mr. SCHOENFELD. I did not say it otherwise, but that is the union's business.

Commissioner O'CONNELL. The organizations you represent as their labor representative do not deal with unions as unions as I understand it?

Mr. SCHOENFELD. No.

Commissioner O'CONNELL. But you do deal with individuals?

Mr. SCHOENFELD. With individuals.

Commissioner O'CONNELL. Do you adjust all grievances they may have as to wages and hours and conditions of employment?

Mr. SCHOENFELD. What?

Commissioner O'CONNELL. Any grievances they may have, do you deal with them as individuals?

Mr. SCHOENFELD. Our position is, if a demand is made on the part of a workman or the union, simply on an individual manufacturer, I do investigate those demands. If they are fair and reasonable and consistent with the conditions in the trade, I advise the manufacturer to adjust them; if they are not reasonable and not consistent with conditions of the trade, I advise the manufacturer not to grant them.

Commissioner O'CONNELL. And you are the sole judge of whether they are?

Mr. SCHOENFELD. I don't say, sir, that I am the sole judge. I make the suggestions and usually the firms take it under advisement and discuss it.

Commissioner O'CONNELL. Your suggestions are largely accepted, I suppose, by the employer?

Mr. SCHOENFELD. Well, in many cases.

Commissioner O'CONNELL. Do you know anything of the conditions of the subcontractors, as to the methods in their factories?

Mr. SCHOENFELD. I know something about it. I understand that the union has claimed last year, after the termination of the general strike as a victory, that all subcontracting has been abolished; that it does not exist any more.

Commissioner O'CONNELL. Doesn't it?

Mr. SCHOENFELD. Yes. That was the official statement at the conclusion of the general strike, that the unions had succeeded in the abolition of the entire subcontracting; that is something that has existed but does not exist now.

Commissioner O'CONNELL. Does it exist?

Mr. SCHOENFELD. It did exist.

Commissioner O'CONNELL. Does it exist now?

Mr. SCHOENFELD. Very slightly.

Commissioner O'CONNELL. What became of it, then?

Mr. SCHOENFELD. Well, partly, the union succeeded in abolishing it, but there are certain conditions in the trade which can not be forced to be abolished. The trade calls for it.

Commissioner O'CONNELL. Why?

Mr. SCHOENFELD. Conditions.

Commissioner O'CONNELL. What are the conditions?

Mr. SCHOENFELD. Well, do you want any particular branch, or in a general way?

Commissioner O'CONNELL. In a general way.

Mr. SCHOENFELD. The conditions of the clothing trade can not be compared to any other industry. The clothing trade depends entirely on the general conditions of the country. The clothing trade is the indicator of conditions, for the reason, as I understand it, that the middle class and the poorer classes use its income, first, for rentals; second, for eatables; third, for clothing; that when conditions in the country get somewhat dull, the middle class and the working-men save first on clothing. Therefore the clothing trade is the first one to suffer when the conditions of the country are not prosperous. The immigration question, the Sabbath question, and many other questions can not be compared in this trade as they are in any other industry. You must deal with this question in a different way than you take up any other industry for investigation.

Commissioner O'CONNELL. Hasn't the immigration question a great bearing on the question of wages?

Mr. SCHOENFELD. Very much. I should say 75 per cent of all the people in the clothing trade have been immigrants; and, so far as that part is concerned, nearly all of them.

Commissioner O'CONNELL. Do the employers take advantage of the fact that the market is exceptionally well stocked with labor?

Mr. SCHOENFELD. Well, if it comes down to employers, I want to say that there are certain things that even the other side don't do. The unions are the very people which clamor and favor the open door for immigrants and pass resolutions and go to Congress and protest against the literacy test, but they are asking for the closed door in the shop when these immigrants come in.

Commissioner O'CONNELL. Are the employers in favor of the literacy test?

Mr. SCHOENFELD. I don't know. They have never taken a position in that direction.

Commissioner O'CONNELL. Have they ever taken any position on the immigration question at all, toward restricting it?

Mr. SCHOENFELD. Not as an association; just as individuals; they are divided on that proposition. Some people believe in what you call an open door, and they all differ.

Commissioner O'CONNELL. Do you know anything about this home-work condition?

Mr. SCHOENFELD. Yes.

Commissioner O'CONNELL. What is there about a family of 10 or 12 living in one room and making up clothing under most insanitary conditions?

Mr. SCHOENFELD. Making up clothing, or finish?

Commissioner O'CONNELL. Finishing?

Mr. SCHOENFELD. Well, if the union controls 90 per cent of their members, why don't they stop it?

Commissioner O'CONNELL. No; I am not asking you whether they do stop it, but whether clothes are made under these conditions?

Mr. SCHOENFELD. It is not clothes made; simply finishing. For the last 35 years—I say for the last 35 years because the contract system is only about 40 or 45 years old—for the last 35 years, when the original so-called sweatshops were in the trade, which were abolished about 12 years ago, with the exception of here and there a single case, there was always finishing done outside. But the laws of the State have practically a full control over these home workers by revoking licenses, and no reliable house or manufacturer, and no large contractor, gives work to any women in a tenement house to do finishing unless she provides a monthly certificate from the State factory department.

Commissioner O'CONNELL. What does that certificate require?

Mr. SCHOENFELD. It requires sanitary conditions and certain space, etc. If I would have known that question would come up, I would have brought one. That comes within our part of the work on sanitation.

Commissioner O'CONNELL. The question has been discussed here quite freely yesterday, and some very valuable statements as to conditions existing in those homes where clothing is finished were made, as, for instance, one statement was made of two rooms with 24 people in them finishing clothing, 12 people living in each separate room.

Mr. SCHOENFELD. I would not question the gentlemen or ladies who made that statement, but you will pardon me if I may be so impertinent as to say it would be the duty of the commission to ask on the Missouri style and say, "Show us," and let them take you down and see where that is. I deny it.

Commissioner O'CONNELL. I think we will go and see it.

Mr. SCHOENFELD. I deny it, because I am getting reports on conditions on these things, conferring with factory inspectors' reports. But we do find this,

that if occasionally there is a complaint on the part of a factory inspector I do look into it and advise the firm not to give any work to such contractor until he gets the certificate from the State factory department.

Commissioner O'CONNELL. Supposing you found a place that is, in your opinion, insanitary. Do you report it to the factory-inspection department?

Mr. SCHOENFELD. I would inform the firm which supplies the party with work to stop giving him work until this thing is rectified.

Commissioner O'CONNELL. But you will not send the information to the factory inspector?

Mr. SCHOENFELD. No, sir.

Commissioner O'CONNELL. You would not think that is your business?

Mr. SCHOENFELD. I would not think that comes within my class of work. Probably it will in course of time, but not at present.

Commissioner GARRETSON. If they had the State certificate, even if you knew that infectious disease was there, you would not report it to the State department, but you would take the State certificate as proper ground for letting the work go there?

Mr. SCHOENFELD. If I would know it, I would not.

Commissioner O'CONNELL. You just stated you would.

Mr. SCHOENFELD. Yes; that was not the question. That question is different. If I would know that there is really a sickness in that house, I would inform them; but on the general complaint I would not. That is all sentimental; that is all.

Commissioner GARRETSON. Is smallpox sentimental?

Mr. SCHOENFELD. I don't mean that. I mean these issues are all sentimental.

Commissioner GARRETSON. Are they?

Mr. SCHOENFELD. Yes; I mean on the part of the unions.

Commissioner GARRETSON. Most people believe that conditions of labor are facts and not sentiment.

Mr. SCHOENFELD. Yes. Why don't the unions abolish them?

Commissioner GARRETSON. Why don't the unions abolish murder?

Mr. SCHOENFELD. Well, society, as a whole, is part and parcel to the responsibility for murder, and the unions have their share for murder.

Commissioner GARRETSON. Why don't your employers' associations abolish murder?

Mr. SCHOENFELD. They are just as responsible as you and I and everybody. We are, as a whole as society, responsible for conditions.

Commissioner GARRETSON. Is responsibility dodged by saying, "Why don't unions do it"?

Mr. SCHOENFELD. No.

Commissioner GARRETSON. That is all.

Mr. SCHOENFELD. But the manufacturers disclaim it.

Chairman WALSH. Disclaim what?

Mr. SCHOENFELD. The manufacturers disclaim that these conditions are as bad as represented by the other side. They claim that they are magnified for a fact.

Commissioner GARRETSON. You better get a duplicate of the pictures presented here on the premises.

Chairman WALSH. The thing that I might say that impressed me was the testimony of Miss Lillian Wald, for whom I have a very high regard.

Mr. SCHOENFELD. Yes; she has been here for the last 20 years.

Chairman WALSH. She has lived in the neighborhood?

Mr. SCHOENFELD. Yes.

Chairman WALSH. And she presented certain facts, accompanied by illustrations.

Mr. SCHOENFELD. Yes.

Chairman WALSH. Do you know anything about the matter presented by her?

Mr. SCHOENFELD. I don't know what was presented by Miss Lillian Wald, but she knows a great deal of conditions, and she also knows them as they were before, and they are not to-day what they were years ago.

Chairman WALSH. But you think her facts would be reasonably reliable?

Mr. SCHOENFELD. Yes; whatever Miss Wald's opinion is on things I would be guided a great deal. She is apt to be misinformed; she has got a good heart and she is apt to be carried away, as all other good people are, sympathizing, usually, with the underdog.

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Chairman WALSH. Well, in what way, then, would you determine that question?

Mr. SCHOENFELD. I determine that question that all good people are occasionally taking up these investigations and making the east side of New York a place for slumming visits, and looking into conditions only from one side, and seeing the dark side and nothing else.

Chairman WALSH. Well, do you think they ought to look into conditions as a whole or in part?

Mr. SCHOENFELD. As a whole, but they should see both sides and present the matter really as it is, and not take part, just pick up the bad things and make an impression on the public and magnify it. That is not fair.

Chairman WALSH. Are you through now?

Mr. SCHOENFELD. Yes.

Chairman WALSH. We have been informed that a great deal of the work on garments that was done in private homes or tenements was done on the east side of New York, a great deal of it. That is correct, is it not?

Mr. SCHOENFELD. Whatever is done, the finishing part, is done not only on the east side, but in other sections also.

Chairman WALSH. Will you say that there was more finishing done on the east side than in other sections of New York?

Mr. SCHOENFELD. It is only natural, because the clothing shops are around there.

Chairman WALSH. Well, is it or is it not the fact?

Mr. SCHOENFELD. Yes; it is on the east side more.

Chairman WALSH. Well, that being the case, would you not believe the investigations should be made as to the circumstances covering the finishing being done in that particular locality?

Mr. SCHOENFELD. Oh, yes; they should be investigated.

Chairman WALSH. It would be the place to go where the finishing was being done?

Mr. SCHOENFELD. You would get a better line over there on investigations.

Chairman WALSH. You say the tendency of all good people is to be with the under dog, and therefore there is danger of exaggerating conditions?

Mr. SCHOENFELD. I mean those that present these conditions know how to play on good people to impress them with the dark side, not showing the actual fact.

Chairman WALSH. Take, as a typical case, that of Miss Wald. You say she is a creditable person?

Mr. SCHOENFELD. Yes.

Chairman WALSH. She has had experience, and has lived there, and her testimony could be relied upon as to conditions, except for the fact that she might be misinformed or swayed by her own feeling, is that correct?

Mr. SCHOENFELD. And misinformed by others.

Chairman WALSH. Well, that is what I said.

Mr. SCHOENFELD. Yes.

Chairman WALSH. So that whatever Miss Wald, with those attributes, is not a good witness, perhaps. So, who would you say would be a good witness?

Mr. SCHOENFELD. I did not say Miss Wald was not a good witness.

Chairman WALSH. Well, she could be relied upon as nearly as given testimony could be brought to bear upon that question, is that correct?

Mr. SCHOENFELD. Yes; you asked me as to what I say would be a good witness.

Chairman WALSH. Yes.

Mr. SCHOENFELD. Well, the commission, if they want to go in really to find out the facts, let them take a representative of the workman or a representative of the manufacturers and see the things all around as they are, on both sides, and not to pick up just one little thing, and cause a sentiment for it and impress the public that that is the general condition of the trade.

Chairman WALSH. Might we not be swayed by our feelings one way or the other, either that we were with the under dog or that we would hold the viewpoint that perhaps you hold?

Mr. SCHOENFELD. Well, they would see the things as a whole, not just one side. And they would then, as a commission, as a nonpartisan body, just see the average things as they really exist, and not be impressed by one side only.

Chairman WALSH. Do you think Miss Wald saw it that way?

Mr. SCHOENFELD. Well, as I said, Miss Wald is one of our most creditable and distinguished people on the East Side, and whatever she sees herself I

would be guided a great deal by her judgment. But she, and we all know, are often impressed by things that if she did not investigate herself, she would probably be misinformed.

Chairman WALSH. You have testified as a witness here and said that conditions were exaggerated as stated here?

Mr. SCHOENFELD. Yes.

Chairman WALSH. Are you swayed in that statement by your feeling for one side or the other?

Mr. SCHOENFELD. No, sir.

Chairman WALSH. So that you would really be a first-class witness in that respect?

Mr. SCHOENFELD. I don't know.

Chairman WALSH. That is all.

Commissioner GARRETSON. You were a walking delegate—

Mr. SCHOENFELD (interrupting). I was not a walking delegate.

Commissioner GARRETSON. When you were an adherent of the union—

Mr. SCHOENFELD (interrupting). I did not call it that way. Call it by the proper name, and I will answer the question.

Commissioner GARRETSON. When you were an organizer of the United Brotherhood of Tailors did your imagination and sympathy ever run away with you on those statements?

Mr. SCHOENFELD. I always considered certain rights, and it is known that, if you will trace the records, the rights of the employer, when he was right, and the rights of those I have represented.

Commissioner GARRETSON. And were you ever swayed by sentiment in making the presentation of the conditions that existed in those days?

Mr. SCHOENFELD. Well, I admit that all was part and parcel, that occasionally we did play up to the gallery a great deal.

Commissioner GARRETSON. Have you dropped the habit of playing to the galleries to-day?

Mr. SCHOENFELD. I have. [Laughter in the audience.]

Commissioner GARRETSON. You are not swayed by any sentiment or selfish interests now as you were then? You are a better man now than you were then?

Mr. SCHOENFELD. That is not the question.

Commissioner GARRETSON. Yes; it was.

Mr. SCHOENFELD. I am as good a man as then, but the path of work is not as narrow as then.

Commissioner GARRETSON. And the interest is different now?

Mr. SCHOENFELD. I did not say that.

Commissioner GARRETSON. I ask if it is?

Mr. SCHOENFELD. What do you mean by interest?

Commissioner GARRETSON. Does your interest now run in another direction than it did then?

Mr. SCHOENFELD. What do I understand by interest?

Commissioner GARRETSON. Gain.

Mr. SCHOENFELD. No; that counts no part.

Commissioner GARRETSON. Was it different then?

Mr. SCHOENFELD. It was not.

TESTIMONY OF MR. PAUL ARNONA.

Mr. THOMPSON. Will you give us your full name and address?

Mr. ARNONA. Paul Arnona, 175 Eighty-fourth Street, Brooklyn.

Mr. THOMPSON. And your work?

Mr. ARNONA. Business agent for the United Brotherhood of Tailors.

Mr. THOMPSON. That is, the United Garment Workers?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. How long have you been acting as such business agent?

Mr. ARNONA. About 16 months.

Mr. THOMPSON. Were you engaged at work in the trade before then?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. For about how long?

Mr. ARNONA. About 10 years.

Mr. THOMPSON. Here in New York?

Mr. ARNONA. Yes, sir.

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Mr. THOMPSON. You are pretty well acquainted with the condition of the men in the garment trades in this city?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. That relates to the Italian workers?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. You are an Italian yourself, are you not?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. About how many Italians are there in the men's garment trades in this city, if you know?

Mr. ARNONA. You mean in the men's garments?

Mr. THOMPSON. The men's garments.

Mr. ARNONA. Well, I believe about 45 per cent of them are Italians in the trade.

Mr. THOMPSON. Are Italians?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. How many thousands would that be, about?

Mr. ARNONA. I believe over sixty.

Mr. THOMPSON. Over sixty?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. Italians engaged in the garment trades in New York City?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. About how many are engaged in the men's garment trades?

Mr. ARNONA. I am talking about the men's garments—pants, vests, and coats.

Mr. THOMPSON. What proportion of those are affiliated with or members of the union?

Mr. ARNONA. With the union?

Mr. THOMPSON. Yes.

Mr. ARNONA. I believe, roughly speaking, pants, vests, and coats, I believe some 35,000 to 45,000. They are affiliated with the union.

Mr. THOMPSON. Thirty-five to forty-five thousand of them are affiliated with the union?

Mr. ARNONA. Yes—vests, pants, and coats.

Mr. THOMPSON. What proportion of the Italian workers are working in the inside shops, and what proportion are working in the outside shops?

Mr. ARNONA. Roughly speaking, that is a thing we have to look up. But the majority of the Italians, they are working in the inside shops.

Mr. THOMPSON. Inside shops?

Mr. ARNONA. Yes.

Mr. THOMPSON. That is, the large manufacturers?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. Are there many Italian contractors or manufacturers?

Mr. ARNONA. No; very small group of Italian contractors, pants and coats. I believe there is about 35 to 50 Italian contractors in Greater New York.

Mr. THOMPSON. Are the Italians mostly unskilled workers in the trade, or have they many skilled workers?

Mr. ARNONA. Well, you see you have to take the thing in two parts—the custom-tailoring part and the ready-made part. Mostly the custom tailors are the skilled mechanics, but in the ready-made part, then you have, you see, two different conditions—the inside shop, which most of them are very cheaply paid, and where the men come in as they come over from the other side—then you find another part, where the tailors—of which they constitute a very small number.

Mr. THOMPSON. In other words, most of the Italians are beginners at the trade?

Mr. ARNONA. Yes.

Mr. THOMPSON. And not very skilled as yet?

Mr. ARNONA. No, sir.

Mr. THOMPSON. Is there any antagonism on the part of Italians toward organization of unions?

Mr. ARNONA. No, sir.

Mr. THOMPSON. There is not?

Mr. ARNONA. No; they are very reasonable and willing to join the organizations, because they know through organizations they will get better conditions.

Mr. THOMPSON. I take it, from what you say, that the Italian will work for either contractor or inside shop?

Mr. ARNONA. Yes.

Mr. THOMPSON. Does he favor one as against the other?

Mr. ARNONA. Well, generally speaking, there has always been a tendency for the Italian to always work in the inside shops. There is many reasons for it, because most of these inside shops they have Italian foremen, and these Italian foremen, you see, they are given good pay, and they always like to get the Italian to work for them, being the Italian has no experience in the land and the custom of the country, you see, and they are easily misled or fooled by an Italian foreman. Of course, as soon as the Italian is a good mechanic he leaves the place to get a better place in the inside contractor's shop.

Mr. THOMPSON. In the finishing—the work that Italians do for contractors in the trade, do they suffer more from other people in loss of wages?

Mr. ARNONA. No, sir.

Mr. THOMPSON. By the failure of the contractor to pay?

Mr. ARNONA. No.

Mr. THOMPSON. They are not taken advantage of any more than any other people?

Mr. ARNONA. No, sir.

Mr. THOMPSON. Are the Italians subject to exploitation by subcontracting more than any other people?

Mr. ARNONA. Yes; a good many of them, too.

Mr. THOMPSON. Does that exist to-day in New York?

Mr. ARNONA. It does exist to-day in New York. For example, I might cite the case of Naumberger shop, University Place and Eleventh Street, where that shop—there is a good many of them that they have working for subcontractors in that shop, such as pressers, basters, and fellers, and so on.

Mr. THOMPSON. How many shops are there where subcontracting exists among the Italian people, about, if you know?

Mr. ARNONA. Well, I could not give exactly the number, because from different information we get, through the complaint that we receive in the organization office from Italian workers coming out from a given shop, for example, like Peck's shop in Brooklyn, Cohen & Goldman, and the Naumberger shop, to a certain extent it exists, for example, Stern Bros. You see, they work, and once in a while one of them falls out and comes to the organization and complains about the treatment he received at the hands of the subcontractor.

Mr. THOMPSON. Is the union in favor of or against subcontracting?

Mr. ARNONA. We are against subcontracting.

Mr. THOMPSON. Do you do what you can to prevent subcontracting?

Mr. ARNONA. We use every means in order to show to the manufacturer or to the contractor that such a thing works to the injury of the interests of the worker, and also against the interests of the contractor himself.

Mr. THOMPSON. And this work you have just said you do is done by special contract?

Mr. ARNONA. By subcontract.

Mr. THOMPSON. I mean by subcontracting.

Mr. ARNONA. Yes.

Mr. THOMPSON. What firm—what Goldman is that, the firm you just spoke about now?

Mr. ARNONA. Well, pressing.

Mr. THOMPSON. Well, I mean what Goldman?

Mr. ARNONA. Goldman?

Mr. THOMPSON. What Goldman?

Mr. ARNONA. Cohen & Goldman.

Mr. THOMPSON. That is the man connected with the New York Trade Association?

Mr. ARNONA. I could not tell you what he is connected with.

Mr. THOMPSON. Were you here yesterday?

Mr. ARNONA. No, sir.

Mr. THOMPSON. Is he president of the National Clothing Association?

Mr. ARNONA. I don't know; that does not interest me at all.

Mr. THOMPSON. What do you know about the home work done by the Italians? Is much of that done here?

Mr. ARNONA. Yes; I know quite a good deal, because I was always interested in matters, and I always worked in the shops as an Italian to see that the sister work should be abolished altogether. And I want to say—the gentleman here says he is from Missouri, but I want to say I am a New Yorker, 20 years in New York, and I could take the commission around here at any time, any hour in the morning, at any time, on any of the East Side streets, uptown,

and in Brooklyn, and show to them with the fingers, without any sentimental feeling at all, how the whole work is carried on every day.

Mr. THOMPSON. From what factories, or what kind of work goes into the homes?

Mr. ARNONA. Let me make this clear. I want to put this in as it is. I don't want to put anything on to it, to add on anything. For example, take any mail-order houses here. Perhaps they finish the coats and pants. It is not only on the coats, but also on the pants. Most of the work is done inside, but when the rush season comes along, the foreman who is in charge of the job is compelled to use some outside help to do the work. So you see in the mail-order house—in some of the custom shops, mostly—the work is done inside, but when the rush season comes around they are always keeping numbers of women in reserve to use them in case of a strike or anything like that. Some work is given on the outside. So you see in the mail-order houses such as I worked at, the International, there isn't as much evil as the sweatshop work, but it is all underhand. There it is entirely different, because they have very big lofts and enough room to put a lot of women into. But when we go to the sweatshop, there is where the evil exists, where they make ready-made coats and pants. It does not matter if it is an inside or an outside shop. I will give you various statements, so if you care you could investigate yourself.

For example, take the firm by the name of J. Friedman & Co.; most of its work is given out, you see, to contractors all over Greater New York. For example, I will take you to the shop right here in New York City, to a shop by the name of Rogers, 105—one of the streets on the East Side, I don't recollect just now. Or I will take you to another shop, Witson & Price, 174 Allen Street, top floor. This Witson & Price, understand, he has not got enough room on the inside to have the fellings drawn there, so you find women, mostly over the age of 45, mostly over the age of 45, Italian women which, through economic conditions, are compelled to have work to do. These women come early and take work at 7 o'clock in the morning or at the lunch hour and take it to the house, and when you go to the houses you will find two or three small rooms. You will find the children have to come from schools, and some girls which are not able to find work and the children help to finish these coats in the kitchen room, and dining room, parlor, and everything—it is all in one room, and the work is there on the floor, and you can't tell but maybe the children are sick, and the mother has to work at the coat at the same time and attend to the work and take care of the children.

For example, if you go to the shop, they are getting some from Corn & Goldman; a contractor by the name of Bush, in South Fifth Street, Brooklyn, near the new bridge; Bush has got a new, large modern shop, still he has not got enough finishers, or does not care to get enough to have the work finished inside, and some work is given outside. And I have investigated and I have followed them up to have those women join the organization and try and see that they work in the shop, and still they always say, "The boss says we can get them outside." So, for example, you go down to the corner of Cherry Street and Grand any morning, any hour of the day, you will find a number of women coming out of the East Side shop with coats, and that same thing is happening over and over again. If you go on the West Side, up around Lafayette Street or up around Allen, wherever there are shops situated, you will find the Italian neighborhood, and the women, most of them Italian, say going out to get work and finish it in the house. Not only that, but we find also a competition in the prices between them. The contractors and manufacturers, they agree to give the work out to cheapen the price.

For example, for fellings work in the shop, either pants or coat, she gets 7 cents inside for a coat, but outside she will get 5½ or 6 cents; so you see it is economical to the concern and they are benefited to give the work outside.

Mr. THOMPSON. When you speak of the economic necessities compelling these women of 45 and over to do this home work, what do you mean by economic necessities?

Mr. ARNONA. You have to understand the situation of the average Italian family—those who are compelled to send and do the work.

Mr. THOMPSON. You mean poor families?

Mr. ARNONA. Yes, sir; not because they like it, but because of their economic conditions. They are common laborers, and they only earn \$1.50, \$1.75, or \$2 a day, and they do not have steady work the year round, and in order to make both ends meet it is necessary for the women to work.

Mr. THOMPSON. Therefore poor families are compelled to do this home work?

Mr. ARNONA. I am of the opinion that if there will ever be a law or anything like that that no home work shall be done I believe those women will work in the shop.

Mr. THOMPSON. You mean the poor families who take work home now?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. What are the conditions of the poor families—what kind of homes do they have? How many people in the rooms, etc?

Mr. ARNONA. Some you will find 6 in a room, some 8, some 10. It all depends on the size of the family and how many boarders they can get in. Some families have no boarders; are able to get along without it.

Mr. THOMPSON. Those are in apartment buildings?

Mr. ARNONA. Most of the old-style tenement houses.

Mr. THOMPSON. Old-style buildings?

Mr. ARNONA. Yes, sir.

Mr. THOMPSON. In crowded neighborhoods?

Mr. ARNONA. Oh, yes; crowded; the East Side neighborhood.

Mr. THOMPSON. That is all.

Commissioner LENNON. What can a woman finisher make in an hour if she works steady for an hour—how much an hour can she make?

Mr. ARNONA. For example, for a woman goes into a shop in the morning and she get 10 cents; that is the usual amount; takes them sometimes three-quarters of an hour to finish a coat. You see, when the week is over some of them do not make any higher than \$4, and some \$3, because I have seen the paper

Commissioner LENNON. But what I want to find out is—the women get, we will say, 20 cents?

Mr. ARNONA. Yes, sir.

Commissioner LENNON. And she goes home; the children are in school?

Mr. ARNONA. Yes, sir.

Commissioner LENNON. And she can work one hour steady?

Mr. ARNONA. Yes, sir.

Commissioner LENNON. Then there is nothing in the way?

Mr. ARNONA. No, sir.

Commissioner LENNON. She can work an hour?

Mr. ARNONA. Yes, sir.

Commissioner LENNON. How much could she make an hour?

Mr. ARNONA. 10 cents. A coat and a half; no more than a coat and a half. She has to finish the sleeves, shoulders, bottom, and all that.

Commissioner LENNON. I understand.

Mr. ARNONA. No woman gets 20 cents unless they have a husband or daughter to help them; but most of them get three or four or five cents at a time.

Commissioner LENNON. That is all.

Chairman WALSH. That is all; thank you.

Mr. ARNONA. I want to say—

Chairman WALSH. Yes. I would be very glad if there is anything that you would like to volunteer, that you think is germane to this subject, we would be very glad to hear it.

Mr. ARNONA. Am I to add anything?

Chairman WALSH. Any comment which you have to make of any testimony, or anything you wish to volunteer, you may do it now.

Mr. ARNONA. Yes; I want to say to the commissioner. The question of home work, it is a question which I believe if the State would investigate with the right people there could be a great deal learned, and the State could correct the evils. For example, I find in my work as business agent going from tenement house to tenement house, I have never met a factory inspector, and if I do meet one they know very little about the condition of the people. I am sure if a law should be passed that the manufacturers and contractors have six months time, and in that six months they shall provide themselves with help, the home work will cease. Many of those coats, whenever they go out of a house they are full of germs and disease, and the person who has got to wear the coat doesn't know what it is. The Italian has a community, has an organization, they want to see this horrible condition of home work abolished once and for all. For example, we find some women who emigrated here and becomes a pants finisher. The most of the contractors, who through the ignorance of the women, they take much advantage of them, and when the work is over they do not make more than \$3 or \$4 a week. The bosses are unscrupulous, and in some cases we have to sue the contractor to collect the wages of the poor women. I think a State law should say that when a woman is about to give birth to a

child, no work should be given to the house. I can show you many places where I have seen women and I have asked them, "Why don't you pay your dues to the organization?" And they say, "Don't you see I am going to have a child in two or three weeks, how can I pay my dues to the organization?" "Why do you work?" "I have to work." It seems to me that the factory inspector has never tried to enforce this law. In many ways the contractor does not know a continental about laws, but keeps on sending the work to the women. I challenge any representative or manufacturer, and I will take them to the houses and show them a large number of women where they are about to give birth to a child, and they are sitting in a chair for two or three months finishing clothes before giving birth to a child.

It seems once and for all something should be done in order to eliminate this awful condition which exists to-day in the coats and punts.

Mr. THOMPSON. What is the union trying to do, put on a law, have a law passed to prevent that?

Mr. ARNOXA. I could give you this information. Two weeks ago we had a meeting of all Italian executive board locals of Greater New York, and the question was this—we had the first meeting, and we were trying to get things on the way to get a resolution to show the evils, to have some one help the organization through and help some of the people interested in this work to have a State law passed, or to have some kind of an agreement with the contractors that, after a length of time, no more work shall be given in the houses because it is morally and financially and otherwise against the women.

Chairman WALSH. Thank you. Call your next.

TESTIMONY OF MRS. MARY MINORA.

Mr. THOMPSON. Mrs. Minora, will you give your name to the reporter?

Mrs. MINORA. Sure.

Mr. THOMPSON. Mary Minora?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. You live where?

Mrs. MINORA. I live in Mulberry Street.

Mr. THOMPSON. What sort of building is that?

Mrs. MINORA. Well, it is a red building, tenement house.

Mr. THOMPSON. How many stories high?

Mrs. MINORA. Five stories high.

Mr. THOMPSON. Is it what is called a tenement house?

Mrs. MINORA. Tenement house.

Mr. THOMPSON. How many rooms have you there?

Mrs. MINORA. Three.

Mr. THOMPSON. How many people live in those three rooms?

Mrs. MINORA. Two families.

Mr. THOMPSON. Two families?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. How many people in the two families?

Mrs. MINORA. Six.

Mr. THOMPSON. You have six?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. How many in the other family?

Mrs. MINORA. No; me and my mother is six—both of them.

Commissioner O'CONNELL. Six altogether?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. Six altogether?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. You are married?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. What is your husband's name?

Mrs. MINORA. R. Angelo.

Mr. THOMPSON. What trade does he work at?

Mrs. MINORA. He is a presser.

Mr. THOMPSON. Does he work at home?

Mrs. MINORA. No, sir.

Mr. THOMPSON. Where does he work?

Mrs. MINORA. In the shop.

Mr. THOMPSON. What shop?

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Mrs. MINORA. Third Street. My husband is not working at the present time. He is out of work about nine months.

Mr. THOMPSON. He isn't working at the present time?

Mrs. MINORA. No, sir.

Mr. THOMPSON. Why is it? You say your husband is out of work nine months of the year?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. Is that right?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. He only works three months?

Chairman WALSH. Let me ask her a question. Did you mean that your husband has been out of work for nine months?

Mrs. MINORA. Yes, sir.

Chairman WALSH. He is not out of work nine months every year?

Mrs. MINORA. No, sir.

Mr. THOMPSON. He is out of work nine months this year?

Commissioner O'CONNELL. He has not worked for nine months.

Chairman WALSH. How long since your husband worked?

Mrs. MINORA. He never worked. This year he is learning to press. This year he never worked for nine months.

Chairman WALSH. What did he do before he learned to press?

Mrs. MINORA. He was working in a shop on Fifty-fourth Street. I don't know what trade.

Mr. THOMPSON. What work do you do?

Mrs. MINORA. Pants.

Mr. THOMPSON. At home?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. For whom do you work? What is the name of the man you do the work for?

Mrs. MINORA. Well, I don't know the name of the boss.

Mr. THOMPSON. Where do you get the work from?

Mrs. MINORA. Mulberry Street.

Mr. THOMPSON. What number?

Mrs. MINORA. I don't know the number.

Mr. THOMPSON. Do you go there to get it?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. And you don't know the number?

Mrs. MINORA. No, sir.

Mr. THOMPSON. How long have you been doing this work?

Mrs. MINORA. Two years.

Mr. THOMPSON. Two years?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. How many children have you?

Mrs. MINORA. One.

Mr. THOMPSON. Just this one child?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. How much of the day do you work; how many hours during a day do you work?

Mrs. MINORA. Before I have the pants I used to make \$1 a day—\$1 and \$1.25—and now I can only make 16 cents.

Mr. THOMPSON. Only 16 cents?

Mrs. MINORA. Yes, sir; because before the pants was 12 cents and 13 cents; now they make it 4½ cents and 5 cents.

Mr. THOMPSON. Four and a half and 5 cents for the pants?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. It used to be 12 and 13 cents?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. What work do you do on pants for 4½ cents?

Mrs. MINORA. We make the lines, buttons, and the bottom and the yokes and eyes.

Mr. THOMPSON. How long does it take you to do that work on one pair of pants?

Mrs. MINORA. One hour.

Mr. THOMPSON. One hour?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. Do you work pretty fast?

Mrs. MINORA. Yes, sir.

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fr. THOMPSON. Work steadily?

Mrs. MINORA. Sure.

Mr. THOMPSON. You are only able to earn about 16 cents a day?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. Are pants the only work that you do?

Mrs. MINORA. Sure.

Mr. THOMPSON. Did you work on other clothing before?

Mrs. MINORA. No, sir.

Mr. THOMPSON. It takes you about four hours a day to earn 16 cents?

Mrs. MINORA. No, sir. Before when I was to work, before I was there—one hour and five hours a day—I was making \$1, but now if I work 12 hours in one day I can make 16 cents. I must commence at 8 o'clock in the morning and finish about 9 o'clock at night to make 16 cents, because there is a lot of work on the pants.

Chairman WALSH. To make what?

Mrs. MINORA. Sixteen cents.

Chairman WALSH. Sixteen cents?

Mrs. MINORA. Yes, sir.

Commissioner LENNON. Is it 16 or 60 cents?

Mrs. MINORA. Sixty cents.

Mr. THOMPSON. Sixty cents?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. How many people are there in your family?

Mrs. MINORA. Six.

Mr. THOMPSON. Who are they?

Mrs. MINORA. My husband, me, and my little baby, my father, and my brother and my mother.

Mr. THOMPSON. Does your mother work?

Mrs. MINORA. Sure.

Mr. THOMPSON. She does the same sort of work?

Mrs. MINORA. Yes, sir; works in the same shop.

Mr. THOMPSON. Earns the same amount of money?

Mrs. MINORA. Before she used to make more money—made more money. If I make \$1 she made \$2 a day.

Mr. THOMPSON. What does your brother do?

Mrs. MINORA. He is a little boy; he goes to school.

Mr. THOMPSON. What does your father do?

Mrs. MINORA. Work at the same work my husband is doing.

Mr. THOMPSON. Has he been working pretty steady lately?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. Has he worked?

Mrs. MINORA. Yes, sir; but not now.

Mr. THOMPSON. He does not work now?

Mrs. MINORA. No, sir.

Mr. THOMPSON. How long has he been out of work?

Mrs. MINORA. The same as my husband.

Mr. THOMPSON. For nine months?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. What does he get when he works?

Mrs. MINORA. \$15 and \$16 a week.

Mr. THOMPSON. \$15 and \$16 a week?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. Then the only people working in your family are yourself and your mother?

Mrs. MINORA. That is all.

Mr. THOMPSON. And you earn 60 cents a day?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. And she earns about 60 cents a day?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. What does your mother earn; how much does she earn a day?

Mrs. MINORA. She makes 15, 16, and 17. She can not make as much money as she made before.

Chairman WALSH. She makes 60 cents now. How much does your mother make?

Mrs. MINORA. Between 17 and 18 cents.

Chairman WALSH. Seventy and eighty, you mean?

Mrs. MINORA. Yes, sir.

Chairman WALSH. And you make 60 cents?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. That is all the income the family has?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. All the money?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. How long does it take your mother to finish a pair of pants?

Mrs. MINORA. Eight.

Mrs. THOMPSON. How long does it take your mother to finish a pair of pants?

Mrs. MINORA. If I take four—

Mr. THOMPSON. She works faster than you do?

Mrs. MINORA. If I have four hours, she takes three.

Chairman WALSH. She can do three times as much as you?

Commissioner GARRETSON. For her four hours it takes her mother three.

Mr. THOMPSON. What rent do you pay there?

Mrs. MINORA. How many rent?

Mr. THOMPSON. What rent do you pay for your rooms there?

Mrs. MINORA. Six dollars and twenty-five cents.

Mr. THOMPSON. A month?

Mrs. MINORA. Yes, sir.

Mr. THOMPSON. Have you any bathroom?

Mrs. MINORA. What?

Mr. THOMPSON. Do you have any bathroom in the house?

(No response.)

Chairman WALSH. How much rent do you pay for the rooms; how much a month?

Mrs. MINORA. Thirteen dollars.

Chairman WALSH. Thirteen dollars a month?

Mrs. MINORA. Yes, sir.

Chairman WALSH. Is there a bathroom in your rooms?

Mrs. MINORA. Yes.

Chairman WALSH. Are you sure—a bathtub? Do you know what I mean? Do you understand me?

Mrs. MINORA. I can not understand at all.

Chairman WALSH. Ask somebody else.

(From this point in the testimony of Mrs. Minora Mr. Arnona acted as interpreter.)

Mrs. MINORA. No; there is no bathroom.

Chairman WALSH. How old is your father?

Mrs. MINORA. Thirty-seven years old.

Chairman WALSH. Your father?

Mrs. MINORA. Yes, sir.

Chairman WALSH. How old is your mother?

Mrs. MINORA. Thirty-six.

Chairman WALSH. How old are you?

Mrs. MINORA. I am going to be 15 the 4th of September.

Chairman WALSH. Fifteen?

Mrs. MINORA. Yes, sir.

Chairman WALSH. How long have you been married?

Mrs. MINORA. Two years.

Chairman WALSH. At what age did you begin to do this work on clothing in your rooms in your tenement?

Mrs. MINORA. Ten years old.

Chairman WALSH. Ten years old?

Mrs. MINORA. Yes, sir.

Chairman WALSH. Does anybody ever come into the house—any inspector ever come into your house to look it over?

Mrs. MINORA. Never.

Chairman WALSH. Never?

Mrs. MINORA. No, sir.

Chairman WALSH. Do you know any inspector at all—do you know of any inspector ever coming in there?

Mrs. MINORA. I don't know anybody, because nobody ever went to my house.

Chairman WALSH. How many garments per day do you have in there altogether?

Mrs. MINORA. When I used to get 15 cents a pair I was able to make \$1 or \$1.25 a day, but to-day there is more work on the pants—on the garment—and I can not earn as much as I did before.

Chairman WALSH. What I would like to know was if she could tell you about how many garments per day, when she was working steadily, came into their rooms?

The INTERPRETER. She says if she gets steady work she can make five pairs a day.

Chairman WALSH. Has there been any illnesses in the family in the past year—anyone sick?

The INTERPRETER. She says nobody was sick in her house, with the exception of her mother, about an operation, about seven years ago.

Chairman WALSH. Ask her whether or not they have been able to live for the last nine months upon what she and her mother earned without outside assistance of any kind?

The INTERPRETER. She says they never received any outside aid. They have been able to live on the salary she was earning, but now they are not able to do so.

Chairman WALSH. Ask her whether or not they have gone into debt—whether they have been able to get credit any place?

The INTERPRETER. She says they went in debt to their uncle; but being now their uncle has gone over to Italy he is not able now to trust them with any more money.

Chairman WALSH. Ask her, if it will not embarrass her and she is perfectly willing and freely willing to do so, to give the commission about what they live on. Describe what they live on—that large family. If she doesn't like to state it, explain to her that she need not.

The INTERPRETER. She says she is willing.

Chairman WALSH. Describe about how they live.

The INTERPRETER. She said, at night they have to buy—you know, the supply, the food supply, and so on, and it cost them at least a dollar for all the six people in the house.

Chairman WALSH. Where do they buy their supplies?

The INTERPRETER. At Elizabeth Street.

Chairman WALSH. Is there a market or store, or what, there?

The INTERPRETER. In the pushcarts in Elizabeth Street. You see, there are a number of pushcarts.

Chairman WALSH. What we want to get at, if it is all right with her, is what they buy with the dollar?

The INTERPRETER. She says she has to buy macaroni and cheese and vegetables, you know, and whatever it is necessary; and food is very dear besides, too.

Chairman WALSH. What do they do for clothing and how do they manage about clothing?

The INTERPRETER. They put away five cents a day and after they get so much money together they buy clothing.

Commissioner O'CONNELL. In the course of a few years they can buy something?

The INTERPRETER. She says as long as it takes. She says they do not go with such a high price clothing on; just simply go the best they can.

Commissioner O'CONNELL. Ask her if things are not much higher now to live on than they were a year ago—times harder and work scarcer?

The INTERPRETER. She says yes. She says like that, what do you think we come down here for—for nothing? I suppose she has the opinion that she comes down here to better their conditions.

Mr. THOMPSON. Ask her when her father and husband were working and her uncle here if they did not have better conditions?

The INTERPRETER. She says her father and her husband don't work since the last nine months. She says positively the men's work in the house even would be better.

Chairman WALSH. Ask her when they did work if they always worked at the needle trade—sewing trade?

The INTERPRETER. No; they did not.

Commissioner O'CONNELL. Why don't they now if they can get work at something else like working on the streets or—

The INTERPRETER. She says they are going out every morning, when she go out of the house they already out in search of work.

Commissioner O'CONNELL. Ask her whether or not her father or her husband drink liquor?

The INTERPRETER. She says they do not drink any liquor—anything of the kind; don't go in saloons or anything of that kind.

Commissioner O'CONNELL. Do they stay at home when they are not out looking for work?

The INTERPRETER. They stay home and whenever they have no work and they play with the children or they do some cooking you know, help along in order so that she may work more steadily.

Commissioner O'CONNELL. Does the family go to church?

The INTERPRETER. Every Sunday they go to church.

Commissioner O'CONNELL. Do her father and mother take care of the children so she can work when she has work to do?

The INTERPRETER. Yes; they attend to the work of the house and they work.

Commissioner O'CONNELL. The men do the housework in order that the women may sew?

The INTERPRETER. Yes, sir; help.

Chairman WALSH. Any other families in the same tenement house in which she lives that do work in the same way?

The INTERPRETER. She says she could not tell, because they mind their own affairs. They never see what somebody else is doing.

Mr. THOMPSON. Before this nine months, since her father and her husband have been idle, but when they were working before, didn't the family have more money for food and spend more money for clothing than 5 cents a day?

The INTERPRETER. Yes; they did, she says.

Mr. THOMPSON. Has she any brothers or sisters?

The INTERPRETER. Only a small brother, that goes to school.

Chairman WALSH. Only the one she has mentioned here?

The INTERPRETER. Only the one she has mentioned.

Mr. THOMPSON. How long has she been in this country?

The INTERPRETER. Ten years.

Mr. THOMPSON. Did she go to school here?

The INTERPRETER. Yes, sir.

Mr. THOMPSON. What grade did she get in?

The INTERPRETER. She says she couldn't tell to what grade or class she arrived because she would go two days in school and stay away four days to work; that her mother needed her to help along to sew pants, in order to make a living.

Mr. THOMPSON. Was she taught needlework in the school?

The INTERPRETER. Well, by her own head she learned it.

Mr. THOMPSON. She was not taught needlework in the school?

The INTERPRETER. No.

Chairman WALSH. That is all, thank you.

TESTIMONY OF MRS. CONCETTINA FALZONE.

(Mr. Paul Aronson acted as interpreter.)

Chairman WALSH. Does she speak English?

The INTERPRETER. She says not.

Mr. THOMPSON. What is her address?

The INTERPRETER. 36½ Stanton Street.

Mr. THOMPSON. What floor does she live on?

The INTERPRETER. Top floor.

Mr. THOMPSON. In the front or rear?

The INTERPRETER. In the back—rear.

Mr. THOMPSON. How high a building is that—how many stories?

The INTERPRETER. Five floors.

Mr. THOMPSON. Is it a tenement house?

The INTERPRETER. Yes; a tenement house.

Mr. THOMPSON. How many rooms has she there?

The INTERPRETER. Three rooms—by her brothers, brother-in-law and sister-in-law.

Mr. THOMPSON. How many people live in those three rooms?

The INTERPRETER. Ten people.

Mr. THOMPSON. Ten people in the three rooms?

The INTERPRETER. Three rooms; yes, sir.

Mr. THOMPSON. How many of the 10 are children?

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The INTERPRETER. Four children belong to her, and one of them belongs to her brother.

Mr. THOMPSON. What are the ages of the children?

The INTERPRETER. Her oldest daughter 8 years, the next one is 5, another one 3, another one 1.

Mr. THOMPSON. What is the age of the other child?

The INTERPRETER. The other one is 1 year old.

Mr. THOMPSON. How old is Mrs. Falzone?

The INTERPRETER. Thirty-two.

Mr. THOMPSON. Is her husband living?

The INTERPRETER. Yes; he is living.

Mr. THOMPSON. In New York, here?

The INTERPRETER. In New York.

Mr. THOMPSON. What work does he do?

The INTERPRETER. Carpenter.

Mr. THOMPSON. Is he working now?

The INTERPRETER. No; he is not working.

Mr. THOMPSON. Is he here?

The INTERPRETER. He is not working for six months. This is the gentleman here.

Mr. THOMPSON. Why has he not been able to get work? Has he been sick?

The INTERPRETER. He has not been able to find any steady work. Whenever he finds a job he makes a day once in a while, or three days.

Mr. THOMPSON. Does she do any sewing work in her apartment or place where she lives?

The INTERPRETER. Yes; she does. She finishes pants.

Mr. THOMPSON. How long has she been finishing pants work in her home?

The INTERPRETER. As long as she has been in this country.

Mr. THOMPSON. How long has that been?

The INTERPRETER. Nine years.

Mr. THOMPSON. What do these pants, if she knows, sell for? What are they sold for to the customers, if she knows.

The INTERPRETER. She does not know.

Mr. THOMPSON. Are they good clothes or poor clothes?

The INTERPRETER. Custom work.

Mr. THOMPSON. She means by custom goods stuff that is made to measure for men?

The INTERPRETER. Yes; individual custom pants.

Mr. THOMPSON. What work did she do on the pants?

The INTERPRETER. She makes everything—that is, finishing the bottoms, the lining, tack on the pockets, sew on the buttons, and so on—with the exception of the buttonholes.

Mr. THOMPSON. How long does it take her to do the work on a pair of pants?

The INTERPRETER. It takes from two hours to two and a half, according to the kind of pants she is finishing.

Mr. THOMPSON. And how much does she get for a pair of pants—for one pair?

The INTERPRETER. She said before she used to get 50 cents for finishing, and then he lowered it down to 40 cents and then down to 30 cents, and this week he wants to pay her 20 cents a pair.

Mr. THOMPSON. Did they give any reason to her why they wanted to lower the price?

The INTERPRETER. No reason whatever. Not only that, but many times you know the foreman, in order to have credit, they say the thing is not made right, give them lots of busheling, which is not necessary.

Mr. THOMPSON. Lots of busheling?

The INTERPRETER. Yes. That is opening up the lining and all.

Mr. THOMPSON. How much has she been able to earn a day lately?

The INTERPRETER. Forty cents, fifty cents, sixty cents, when she has work.

Mr. THOMPSON. How many hours does it taken her to earn 40 or 50 cents or 60 cents?

The INTERPRETER. To earn 60 cents she has to work all day long from morning until night.

Mr. THOMPSON. To earn 60 cents?

The INTERPRETER. In the morning very early and at night as late as 8 and 9; and in the morning about 4 o'clock, and 5 o'clock.

Mr. THOMPSON. How does she get her clothes—are they brought to her home or does she go after them?

The INTERPRETER. She goes over to the shop and gets them and has to carry them back to her house.

Mr. THOMPSON. And has to carry them back to her house?

The INTERPRETER. Yes, sir.

Mr. THOMPSON. How long a distance is that?

The INTERPRETER. Near her house. She lives on Stanton Street and the shop is on—

Mr. THOMPSON. Does she get paid for carrying the bundles back and forth?

The INTERPRETER. No, sir.

Mr. THOMPSON. Does she have to wait for the bundles at all?

The INTERPRETER. She has to wait until the work is ready sometimes from the other men in the shop, and many times she has to wait until the busheling is finished and the boss has to examine the work and if there is busheling she has to do the busheling and sometimes she has to wait.

Mr. THOMPSON. Does she get paid for busheling?

The INTERPRETER. No.

Mr. THOMPSON. Does she ever get or try to get other kind of work in the inside shop?

The INTERPRETER. No; she never tried because she had to attend the children, and being she has to attend the children, you see, she has got to get work in the shop so that she can bring the work in the house.

Mr. THOMPSON. Ask her what the income of her family has been the last few weeks?

The INTERPRETER. She says nothing at all with the exception of what she has earned by finishing a few pair of pants.

Mr. THOMPSON. How much a day?

The INTERPRETER. Nothing, because her husband goes out in the morning and comes back without finding any work.

Mr. THOMPSON. How do they live now?

The INTERPRETER. By whatever earnings she made by finishing a few pair of pants.

Mr. THOMPSON. That is 40 to 60 cents a day?

The INTERPRETER. Yes; and she says when she earns 60 cents it has been a big day's work.

Mr. THOMPSON. How do she and her husband and baby live on the 40 to 60 cent a day?

The INTERPRETER. She says as God provides, the best way they can.

Mr. THOMPSON. What is the rent that they pay for these three rooms?

The INTERPRETER. Twelve dollars and fifty cents for the three rooms, and now her share is \$6.25.

Mr. THOMPSON. Ask her what they spend for food?

The INTERPRETER. As much as they can afford. Whenever they have more they spend more; and whenever they have less they spend less.

Mr. THOMPSON. What do they usually eat, if she is willing to tell that?

The INTERPRETER. Macaroni with cabbage—it is kind of a soup—they call it in Italian—and beans, or macaroni with cheese.

Mr. THOMPSON. All meals for the day?

The INTERPRETER. Well, generally speaking, in order to save up they eat macaroni right along with side dishes either with cabbage or cheese.

Mr. THOMPSON. Ask her if she ever gets any meat to eat?

The INTERPRETER. Once in a while, whenever they can afford.

Mr. THOMPSON. When is it she last has had meat to eat?

The INTERPRETER. Last Sunday they bought meat.

Mr. THOMPSON. About how often do they have meat?

The INTERPRETER. Well, at least once a week she says.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. Why does her husband, if he is not working, why doesn't he go and carry these bundles of clothes back and forth?

The INTERPRETER. Well, she explains that he does not stay right along in the house. He is always out hunting for work. And at the same time the boss of the shop won't give any work to her husband because she has to go over to the shop to do some busheling, if there is any. She never gets no more than one or two pair of pants at a time.

Commissioner O'CONNELL. By busheling you mean alterations?

The INTERPRETER. Yes.

Commissioner O'CONNELL. She never gets but one or two pair of pants at a time?

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The INTERPRETER. Yes; in custom work they generally don't give but one or two pair at a time. She never gets more than three pair.
Chairman WALSH. That is all. Thank you, Madame.

TESTIMONY OF MR. BERNARD A. LARGER.

Mr. THOMPSON. What is your name and address?

Mr. LARGER. Bernard A. Larger, 1765 West Seventh Street, Brooklyn.

Mr. THOMPSON. What is your business?

Mr. LARGER. I am secretary of the United Garment Workers of America?

Mr. THOMPSON. That is the International Association?

Mr. LARGER. An International association.

Mr. THOMPSON. How long have you been secretary?

Mr. LARGER. About 10 years.

Mr. THOMPSON. How many people are employed in the men's garment industry in Greater New York City, if you know—about how many?

Mr. LARGER. Well, a census has never been taken of them by the garment trades; but I am of the opinion that there is not more than 75,000, between that and 100,000; 75,000 tailors are a lot of tailors and cutters, and when they are out on a strike they look like a large number; but I think if it reaches 75,000 that would be about as many tailors and cutters as there are in the business in New York.

Mr. THOMPSON. In the statistics compiled by the New York Department of Labor, they placed the garment industry as employing the largest number of any industry in the State of New York, do they not?

Mr. LARGER. Well, I guess they do.

Mr. THOMPSON. How many members of this union have you in New York City?

Mr. LARGER. Well that is a difficult question to answer, although it has been answered here. I can only see those that I get a per capita tax from. I can not see anybody else. We have about, at the present time, less than—well, 19,000 members; but it is naturally true that there are a great many more in the organization; a great many more that we don't get paid for.

Mr. THOMPSON. Are the members of the union in this city a dues-paying membership or not?

Mr. LARGER. Well, yes; they are.

Mr. THOMPSON. Yet you think there are a great many you don't get paid for?

Mr. LARGER. Yes, sir.

Commissioner O'CONNELL. That is, the local union does not pay the per capita tax?

Mr. LARGER. No; the local union does not pay the per capita tax; but about once a year or two years we get around and we get about all that they have, sometime, because the auditor goes over the books, and we find out what they have and make them pay up.

Commissioner O'CONNELL. That is your general method?

Mr. LARGER. I think if we have got 55,000 or 60,000 men in the trade—dues-paying and nondues-paying members, that is about all we have got.

Mr. THOMPSON. What is the advantage or disadvantage to the workers of the contract system?

Mr. LARGER. The disadvantage of the contract system, as it works out here in New York City and in other cities, heretofore it has been—the employees have been driven and worked long hours and for small wages. Now, in New York here the contractor seems to pay a higher rate of wages than they do on the inside shop. Why that is I am unable to explain; but it is true, also, that he drives his help harder than the inside factory, and the clothing manufacturers complain that their goods are made cheaper on the outside than they are on the inside.

Well, that is true; but the inside manufacturer, he demands a better garment and more particular work, and as a consequence his garments cost him more on the inside than on the outside. And on the outside the organization has got a better control than the contract shop, and consequently can demand and get better wages. It has better control over the contract shops than it has got—could have over the inside shop.

Mr. THOMPSON. What is the reason, then Mr. Larger, that the manufacturer will turn his work over to a contractor when the worker in the outside shop can get higher wages because of the union, why does the manufacturer bother to send it out?

Mr. LARGER. When he does the work in his own shop he has the work done better. He won't accept the work from his own shop that he will accept from the contractor. The manufacturer can't see the inside of the coat when it comes in, and if it is pressed right it passes; but the rest of it is sent away from New York and goes out to the consumer.

Mr. THOMPSON. Some of the other witnesses have stated that the reason the inside shops cost more was because they used inferior help, and more immigrants, and so on?

Mr. LARGER. I don't know that that is altogether true. I know that some shops use the very best of help, and they pay good wages.

Mr. THOMPSON. Then your theory would be, as I get it from your testimony, Mr. Larger, that the inside shops require better work that costs more; but where they do not require good work, or do not care much about that, the work, it is turned over to contractors who are able to pay better wages, because they rush their people on inferior work.

Mr. LARGER. They do not put in the work on the inside of the coats. It all goes on the outside. And one disadvantage in other cities—I have never known any other city where a contract shop got more money than the inside shop; but there is such a competition among the contractors for the work that up until our last strike they would take a coat out for 5 or 10 cents less, and the contractor would go down for work, and the manufacturer would say, "Well, I have got a coat here, but you will have to make it for 10 or 15 cents less," or for whatever it was, and the man goes back to the tailor and he says, "If you will work an hour longer, take a dollar off your wages, I'll take this work out," and they would do it and get the work done in that way.

Mr. THOMPSON. Then, as a matter of fact, these tailors in the outside shops get more than on the inside?

Mr. LARGER. That is what they say; but I don't know that; I would not swear to that of my own knowledge.

Mr. THOMPSON. Some of the witnesses here stated that they do not speed them up, that they are not speeded up. Do you know anything about that?

Mr. LARGER. Well, it has always been my experience that when a man is working in a contract shop he is speeded to his limit, not only speeded, but he comes to work very early in the morning and quits late at night. That may account for their possibly making more money in the outside shops than the inside shops, because the inside shops they have a certain number of hours to work, and they work, and that is all.

Mr. THOMPSON. Have you studied or noticed at all the results of factory inspection on the outside shop?

Mr. LARGER. Well, we have tried in various ways to have the factories inspected and taken care of a little better, and we were told at the time that the commission could not afford to put on any more men. I offered to put on a half dozen inspectors for them and pay the salaries ourselves, just the same as the State; pay all expenses just the same as the State; it would give them commissions and let them inspect the factories, but they told me they couldn't do it.

Mr. THOMPSON. What did they tell you?

Mr. LARGER. They told me at that time that it was contrary to law and that they couldn't do it.

Mr. THOMPSON. Whom did you ask that right of?

Mr. LARGER. I asked it of Mr. Schurman when Mr. Schurman was the commissioner.

Mr. THOMPSON. Is he the commissioner now?

Mr. LARGER. No, sir; Mr. Williams came after him, and then Mr. Lynch is the commissioner now.

Mr. THOMPSON. You have not made that proposition since then?

Mr. LARGER. No, sir.

Mr. THOMPSON. Has the existence of the contracting shops in New York any effect on the national labor proposition, so far as it confronts the members of your union?

Mr. LARGER. No; none whatever.

Mr. THOMPSON. It has not got a tendency to undermine collective agreements made elsewhere in other cities?

Mr. LARGER. No. Every manufacturer in Chicago accuses the manufacturers in New York of getting their work made cheaper and the manufacturer in New York accuses the Chicago manufacturer of getting his work made cheaper. I just had a letter the other day from Chicago wanting to know how these

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dollar coats were made here in New York, and saying that we were selling them for \$2 less than they could afford to sell them for. Well, it couldn't be the labor altogether.

Mr. THOMPSON. The attitude of the Chicago manufacturer is that his labor costs him more than New York?

Mr. LARGER. Yes, sir.

Mr. THOMPSON. And that the work can be done here and gotten out cheaper because of the green help?

Mr. LARGER. Yes, sir.

Mr. THOMPSON. And do you agree with the Chicago manufacturer in that?

Mr. LARGER. No, sir; I do not, because the green help, as it comes in here—apprentices, they ought to be called—they come in here and go to work only on the very cheapest work.

Mr. THOMPSON. The Chicago manufacturers complain that New York, by reason of that cheap labor, has driven Chicago out of the cheaper class of garments. Is that true?

Mr. LARGER. New York has always, since I have been in the clothing trade, and I have been in it for 25 years—New York has been able to beat any market in making cheap clothing, because they have the help here that they could not get anywhere else.

Mr. THOMPSON. Chicago clothing is mostly advertised clothing—specialty stuff?

Mr. LARGER. Yes, sir.

Mr. THOMPSON. What is your national union's attitude toward the contracting system, if it has an attitude?

Mr. LARGER. Well, our attitude is that we would like to discontinue it if we could. If we had the power to discontinue it, we would, and we would at the same time try to see that every manufacturer had his own shop inside.

Mr. THOMPSON. Is that true of home work, as well?

Mr. LARGER. It is true of home work? I have always objected to home work.

Mr. THOMPSON. And as an international union, what have you done to promote the work in the clothing trade?

Mr. LARGER. We have been instrumental in having some laws passed; we are on record as to sweat shops and the inspection of those tenement houses where the work is made, and other laws that the garment workers needed; and in fact were before the legislature when some of those laws were passed, and we have done the best we could as against this home work.

Mr. THOMPSON. What was the attitude of your organization toward agreements with the trade in your collective bargaining, as you call it sometimes?

Mr. LARGER. We have always sought them; we want them.

Mr. THOMPSON. You believe in them?

Mr. LARGER. Yes, sir.

Mr. THOMPSON. That is all I have.

Chairman WALSH. Are there any questions?

Commissioner LENNON. You heard those two Italian women who spoke here as witnesses. Is there a large amount of that kind of thing prevailing in the business?

Mr. LARGER. Yes, sir; there is a great deal of it. A great deal of it, and it ought to be stopped, but unfortunately when you go up against it, they say: "Here is this building and it has a license, and if there was a dozen families in there they could do the work, and it is impossible for the State to give us sufficient inspection to keep going around among those houses."

Commissioner LENNON. Tell us what the license guarantees?

Mr. LARGER. It does not guarantee anything, only that it is clean and in a sanitary condition. That is about all.

Commissioner LENNON. And it states it in about as broad terms as you have mentioned?

Mr. LARGER. How?

Commissioner LENNON. It states "This building is guaranteed to be clean?"

Mr. LARGER. Yes, sir.

Commissioner LENNON. And in sanitary condition?"

Mr. LARGER. Yes, sir; and usually it is the owner of the building that gets the licenses and hangs them up in the hall and everybody is immune then.

Commissioner LENNON. Your organization officially stands for collective bargaining?

Mr. LARGER. Yes, sir.

Commissioner LENNON. In case there is a breach of the bargain, in case the employer absolutely breaks the agreement, and your union finds that out to be the case, but the employer says, or your agreement provides that these breaches or agreements shall be settled by arbitration or agreement, are you in favor of going immediately on strike or trying to settle by arbitration, by agreement?

Mr. LARGER. I believe in settling it, if we can, and if they won't settle, there is plenty of time to strike. You can strike at any time, but settle, if you can, first.

Commissioner LENNON. You believe that agreement should provide for interpretations of the agreements and the settlement of the grievances that arise, the agreement itself should provide for mediation and conciliation and arbitration methods of settling those disagreements during the life of the contract?

Mr. LARGER. All our agreements provide for arbitration, but I don't know of any agreement that would cover everything. There is always something new coming up.

Commissioner LENNON. Oh, yes.

Mr. LARGER. It is a difficult matter, and you have to use your judgment in those cases; and I don't think that a man is using good judgment when he places a member of his organization on strike before he positively has to do it.

Commissioner LENNON. That is all.

Commissioner O'CONNELL. One question. Can you give the commission some idea, Mr. LARGER, as to what the exact cost of labor is in the production of a suit of clothes; say, the ordinary suit of clothes retailing around \$20?

Mr. LARGER. No, sir; I could not. I could tell you about what the coat, pants, and what the vest cost, and the cost of the pants.

Commissioner O'CONNELL. Give us that.

Mr. LARGER. A suit retailing for, say, \$20, a coat will be made from anywhere, say, \$1.50 up to \$2.50, and the vest about 45 to 55 cents; a pair of pants, say, 60 cents.

Commissioner O'CONNELL. Then, approximately what would it cost to cut that suit?

Mr. LARGER. That you figure about 50 cents a suit.

Commissioner O'CONNELL. And the cost would be in the material and the natural fixed charges, according to the operation?

Mr. LARGER. Yes, sir.

Chairman WALSH. Is that all?

(No response.)

Chairman WALSH. That is all. Thank you.

The commission will now stand adjourned until Monday morning, at 10 o'clock.

(Thereupon, at 1 o'clock p. m. on Friday, June 4, 1914, the commission adjourned until Monday, June 8, 1914, at 10 o'clock a. m.)



EXHIBITS.

SILVERMAN EXHIBIT.

At a conference at the Public Bank, 89 Delancey Street, New York City, on February 26, 1913, the following articles of agreement were decided upon by authorized representatives of the United Garment Workers of America, whose official signatures in their official capacity are attached to this agreement, and the executive board of the Metropolitan Merchant Tailors' Association of Greater New York, whose signatures are also affixed.

This agreement entered into by the United Garment Workers of America and the Metropolitan Merchant Tailors' Association agrees that in their own and contractors shops only members of the Custom Tailors Unions Nos. 162, 80, and 16, of the United Garment Workers of America shall be employed.

SECTION 1. All tailors employed in the shops of the members of the association or their contractors to work 50 hours.

A. In busy season overtime shall be worked when necessary and at regular rate.

SEC. 2. This association hereby agrees to an advance of 15 per cent increase on every garment to pieceworkers.

A. The shorter hours of the week workers to be construed as equivalent to an increase in pay.

B. Overtime at regular wages during the busy season.

C. When overtime is necessary during the dull season, time and a half shall be paid.

SEC. 3. Men to be taken back who went down during strike, including bushelmen.

SEC. 4. Schedule of hours for bushelmen shall be 56.

A. Pay shall be rendered for legal holidays of the State of New York and the United States of America, when establishments shall be closed.

B. It is understood and agreed that when said establishments shall be open for business that such bushelmen shall work on such day in conjunction with other employees.

C. Their not working on such holidays when establishments shall be open shall be sufficient cause for deduction in pay for time not working.

D. It is understood and agreed that the payment for a current week's work shall not be made at a later day than Monday of the succeeding week.

SEC. 5. It is understood and agreed that this agreement is for the term of two years.

A. At the end of one year, or if conditions should be prosperous, there should be increase subject to the arbitration committee.

B. It is understood and agreed, however, that there shall be no lockout or strike during this period of two years.

C. All disputes shall be referred to the arbitration board.

D. It is understood and agreed that in the event of labor disputes with the United Garment Workers of America, through Custom Unions Nos. 162, 80, and 16, with other association or organizations, that in the event of no dispute arising between the parties to this agreement, there shall be no sympathy strike called with the contractors in the employ of the members of the association.

E. That in the event of a general strike, if called by those local unions, it shall not affect the members of the Metropolitan Merchant Tailors' Association.

SEC. 6. There shall be a permanent board of arbitration consisting of six members, three to consist of the Metropolitan Merchant Tailors' Association

and three to consist of the officers of Custom Union Locals Nos. 162, 80, and 16, of the United Garment Workers of America.

This arbitration committee shall have the power to settle all such matters as may be brought before them during the life of this agreement.

In the event of a disagreement or the inability of said board to reach a decision in any matter in hand, a disinterested party, consisting of one referee, shall be selected by mutual consent. The report and finding of said selected referee shall be binding and such report as he may render shall be final and conclusive without further recourse.

UNITED GARMENT WORKERS OF AMERICA,
By J. A. RICKERT, *General President*,
METROPOLITAN MERCHANT TAILORS' ASSOCIATION,
By LOUIS PELL, *Chairman*.

EXHIBIT II.

This agreement entered into by the UNITED GARMENT WORKERS OF AMERICA and the MANHATTAN MERCHANT TAILORS' ASSOCIATION hereby agrees that in their own and contractors' shops only members of the Custom Tailors' Unions Nos. 162, 80, and 16 of the United Garment Workers of America shall be employed.

SECTION 1. All tailors employed in the shops of members of the association or their contractors to work 50 hours.

A. In the busy season overtime shall be worked when necessary and at the regular rates.

SEC. 2. This association hereby agrees to an advance of 15 per cent increase on every garment to pieceworkers.

A. The shorter hours of the week workers to be construed as equivalent to an increase in pay.

B. Overtime at regular wages during the busy season.

C. When overtime is necessary during the dull season, time and a half shall be paid.

SEC. 3. Men to be taken back who went down during strike, including bushmen.

SEC. 4. It is understood and agreed that this agreement is for the term of two years.

A. At the end of one year, or if conditions should be prosperous, there should be another increase subject to the arbitration committee.

B. It is understood and agreed, however, that there shall be no lockout or strike during this period of two years.

C. All disputes shall be referred to the arbitration board.

D. It is understood and agreed that in the event of labor disputes with the United Garment Workers of America, through Custom Unions Nos. 162, 210, and 16, with other associations or organizations, that, in the event of no dispute arising between the parties to this agreement, there shall be no sympathy strike called with the contractors in the employ of the members of this association.

E. That in the event of a general strike, if called by these local unions, it shall not affect the members of the Manhattan Merchant Tailors' Association.

SEC. 5. There shall be a permanent board of arbitration consisting of six members, three to consist of members of the Manhattan Merchant Tailors' Association and three to consist of the officers of Custom Union locals Nos. 162, 80, and 16 of the United Garment Workers of America.

This arbitration committee shall have the power to settle all such matters as may be brought before them during the life of this agreement.

In the event of a disagreement or the inability of said board to reach a decision of any matter in hand, a disinterested party, consisting of one referee, shall be selected by mutual consent. The report and finding of said selected referee shall be binding and such report as he may render shall be final and conclusive without further recourse.

The hours of the bushmen to be left to the arbitration board.

Members of both parties hereto not to be allowed to go to work unless in good standing with both organizations.

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It is understood that the union will not settle with individual merchant tailors without presenting an application to the arbitration board as set forth in the agreement for action.

All members signed previous to this agreement must be renewed at the expiration of the contract only through the Manhattan Merchant Tailors' Association.

Executed at New York City this 3d day of March, 1913.

UNITED GARMENT WORKERS OF AMERICA,
By T. A. RICKERT, *General President*,
MANHATTAN MERCHANT TAILORS' ASSOCIATION,
By HAWN D. BINSKY, *President*.

